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111TH CONGRESS
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[Report No. 111–60]

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2009

Mr. AKAKA (for himself, Mr. DURBIN, Mrs. MURRAY, Mr. BURR, Mr. BEGICH, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JULY 24, 2009

Reported by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Veterans Health Care Authorization Act of 2009”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
 5 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.
 Sec. 102. Limitations on overtime duty, weekend duty, and alternative work
 schedules for nurses.
 Sec. 103. Improvements to certain educational assistance programs.
 Sec. 104. Standards for appointment and practice of physicians in Department
 of Veterans Affairs medical facilities.

TITLE II—HEALTH CARE MATTERS

Sec. 201. Repeal of certain annual reporting requirements.
 Sec. 202. Modifications to annual Gulf War research report.
 Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.
 Sec. 204. Payor provisions for care furnished to certain children of Vietnam
 veterans.
 Sec. 205. Disclosures from certain medical records.
 Sec. 206. Disclosure to Secretary of health-plan contract information and social
 security number of certain veterans receiving care.
 Sec. 207. Enhancement of quality management.
 Sec. 208. Reports on improvements to Department health care quality manage-
 ment.
 Sec. 209. Pilot program on training and certification for family caregiver per-
 sonal care attendants for veterans and members of the Armed
 Forces with traumatic brain injury.
 Sec. 210. Pilot program on provision of respite care to members of the Armed
 Forces and veterans with traumatic brain injury by students
 in graduate programs of education related to mental health or
 rehabilitation.
 Sec. 211. Pilot program on use of community-based organizations and local and
 State government entities to ensure that veterans receive care
 and benefits for which they are eligible.
 Sec. 212. Specialized residential care and rehabilitation for certain veterans.
 Sec. 213. Authority to disclose medical records to third party for collection of
 charges for provision of certain care.
 Sec. 214. Expanded study on the health impact of Project Shipboard Hazard
 and Defense.
 Sec. 215. Use of non-Department facilities for rehabilitation of individuals with
 traumatic brain injury.
 Sec. 216. Inclusion of federally recognized tribal organizations in certain pro-
 grams for State veterans homes.

Sec. 217. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.

TITLE III—WOMEN VETERANS HEALTH CARE

- Sec. 301. Report on barriers to receipt of health care for women veterans.
- Sec. 302. Plan to improve provision of health care services to women veterans.
- Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.
- Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
- Sec. 306. Report on full-time women veterans program managers at medical centers.
- Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.
- Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.
- Sec. 309. Care for newborn children of women veterans receiving maternity care.

TITLE IV—MENTAL HEALTH CARE

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.
- Sec. 403. Study on suicides among veterans.
- Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—HOMELESS VETERANS

- Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.
- Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.
- Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.
- Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.
- Sec. 505. Assessment of pilot programs.

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 601. General authorities on establishment of corporations.
- Sec. 602. Clarification of purposes of corporations.
- Sec. 603. Modification of requirements for boards of directors of corporations.
- Sec. 604. Clarification of powers of corporations.

Sec. 605. Redesignation of section 7364A of title 38, United States Code.

Sec. 606. Improved accountability and oversight of corporations.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.

Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment or repeal to a section or other provision,
5 the reference shall be considered to be made to a section
6 or other provision of title 38, United States Code.

7 **TITLE I—DEPARTMENT** 8 **PERSONNEL MATTERS**

9 **SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETEN-** 10 **TION OF MEDICAL PROFESSIONALS.**

11 (a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38
12 STATUS TO ADDITIONAL POSITIONS.—

13 (1) IN GENERAL.—Paragraph (3) of section
14 7401 is amended by striking “and blind rehabilita-
15 tion outpatient specialists.” and inserting the fol-
16 lowing: “blind rehabilitation outpatient specialists;
17 and such other classes of health care occupations as
18 the Secretary considers necessary for the recruit-
19 ment and retention needs of the Department subject
20 to the following requirements:

21 “(A) Not later than 45 days before the
22 Secretary appoints any personnel for a class of

1 health care occupations that is not specifically
 2 listed in this paragraph, the Secretary shall
 3 submit to the Committee on Veterans' Affairs
 4 of the Senate, the Committee on Veterans' Af-
 5 fairs of the House of Representatives, and the
 6 Office of Management and Budget notice of
 7 such appointment.

8 “(B) Before submitting notice under sub-
 9 paragraph (A), the Secretary shall solicit com-
 10 ments from any labor organization representing
 11 employees in such class and include such com-
 12 ments in such notice.”.

13 ~~(2) APPOINTMENT OF NURSE ASSISTANTS.—~~

14 Such paragraph is further amended by inserting
 15 “nurse assistants,” after “licensed practical or voca-
 16 tional nurses,”.

17 ~~(b) PROBATIONARY PERIODS FOR REGISTERED~~
 18 ~~NURSES.—Section 7403(b) is amended—~~

19 ~~(1) in paragraph (1), by striking “Appoint-~~
 20 ~~ments” and inserting “Except as otherwise provided~~
 21 ~~in this subsection, appointments”;~~

22 ~~(2) by redesignating paragraph (2) as para-~~
 23 ~~graph (4); and~~

24 ~~(3) by inserting after paragraph (1) the fol-~~
 25 ~~lowing new paragraphs:~~

1 “(2) An appointment of a registered nurse under this
 2 chapter, whether on a full-time basis or a part-time basis,
 3 shall be for a probationary period ending upon the comple-
 4 tion by the person so appointed of a number of hours of
 5 work pursuant to such appointment that the Secretary
 6 considers appropriate for such appointment but not more
 7 than 4,180 hours.

8 “(3) An appointment described in subsection (a) on
 9 a part-time basis of a person who has previously served
 10 on a full-time basis for the probationary period for the
 11 position concerned shall be without a probationary pe-
 12 riod.”.

13 (c) PROHIBITION ON TEMPORARY PART-TIME REG-
 14 ISTERED NURSE APPOINTMENTS IN EXCESS OF 4,180
 15 HOURS.—Section 7405 is amended by adding at the end
 16 the following new subsection:

17 “(g)(1) Employment of a registered nurse on a tem-
 18 porary part-time basis under subsection (a)(1) shall be for
 19 a probationary period ending upon the completion by the
 20 person so employed of a number of hours of work pursuant
 21 to such employment that the Secretary considers appro-
 22 priate for such employment but not more than 4,180
 23 hours.

24 “(2) Upon completion by a registered nurse of the
 25 probationary period described in paragraph (1)—

1 “(A) the employment of such nurse shall—

2 “(i) no longer be considered temporary;

3 and

4 “(ii) be considered an appointment de-
5 scribed in section 7403(a) of this title; and

6 “(B) the nurse shall be considered to have
7 served the probationary period required by section
8 7403(b).”.

9 (d) WAIVER OF OFFSET FROM PAY FOR CERTAIN
10 REEMPLOYED ANNUITANTS.—

11 (1) IN GENERAL.—Section 7405, as amended
12 by subsection (e), is further amended by adding at
13 the end the following new subsection:

14 “(h)(1) The Secretary may waive the application of
15 sections 8344 and 8468 of title 5 (relating to annuities
16 and pay on reemployment) or any other similar provision
17 of law under a Government retirement system on a case-
18 by-case basis for an annuitant reemployed on a temporary
19 basis under the authority of subsection (a) in a position
20 described under paragraph (1) of that subsection.

21 “(2) An annuitant to whom a waiver under para-
22 graph (1) is in effect shall not be considered an employee
23 for purposes of any Government retirement system.

24 “(3) An annuitant to whom a waiver under para-
25 graph (1) is in effect shall be subject to the provisions

1 of chapter 71 of title 5 (including all labor authority and
 2 labor representative collective bargaining agreements) ap-
 3 plicable to the position to which appointed.

4 “(4) In this subsection:

5 “(A) The term ‘annuitant’ means an annuitant
 6 under a Government retirement system.

7 “(B) The term ‘employee’ has the meaning
 8 under section 2105 of title 5.

9 “(C) The term ‘Government retirement system’
 10 means a retirement system established by law for
 11 employees of the Government of the United States.”.

12 (2) EFFECTIVE DATE.—The amendment made
 13 by paragraph (1) shall take effect on the date that
 14 is six months after the date of the enactment of this
 15 Act, and shall apply to pay periods beginning on or
 16 after such effective date.

17 (e) RATE OF BASIC PAY FOR APPOINTEES TO THE
 18 OFFICE OF THE UNDER SECRETARY FOR HEALTH SET
 19 TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERV-
 20 ICE POSITIONS.—

21 (1) IN GENERAL.—Section 7404(a) is amend-
 22 ed—

23 (A) by striking “The annual” and insert-
 24 ing “(1) The annual”;

1 (B) by striking “The pay” and inserting
2 the following:

3 “(2) The pay”;

4 (C) by striking “under the preceding sen-
5 tence” and inserting “under paragraph (1)”;
6 and

7 (D) by adding at the end the following new
8 paragraph:

9 “(3) The rate of basic pay for a position to which
10 an Executive order applies under paragraph (1) and is not
11 described by paragraph (2) shall be set in accordance with
12 section 5382 of title 5 as if such position were a Senior
13 Executive Service position (as such term is defined in sec-
14 tion 3132(a) of title 5).”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) shall take effect on the first day
17 of the first pay period beginning after the day that
18 is 180 days after the date of the enactment of this
19 Act.

20 (f) COMPARABILITY PAY PROGRAM FOR APPOINTEES
21 TO THE OFFICE OF THE UNDER SECRETARY FOR
22 HEALTH.—Section 7410 is amended—

23 (1) by striking “The Secretary may” and in-
24 serting “(a) IN GENERAL.—The Secretary may”;
25 and

1 (2) by adding at the end the following new sub-
2 section:

3 “~~(b) COMPARABILITY PAY FOR APPOINTEES TO THE~~
4 ~~OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1)~~
5 The Secretary may authorize the Under Secretary for
6 Health to provide comparability pay of not more than
7 \$100,000 per year to individuals of the Veterans Health
8 Administration appointed under section 7306 of this title
9 who are not physicians or dentists and to individuals who
10 are appointed to Senior Executive Service positions (as
11 such term is defined in section 3132(a) of title 5) to
12 achieve annual pay levels for such individuals that are
13 comparable with annual pay levels of individuals with simi-
14 lar positions in the private sector.

15 “~~(2) Comparability pay under paragraph (1) for an~~
16 individual is in addition to all other pay, awards, and per-
17 formance bonuses paid to such individual under this title.

18 “~~(3) Except as provided in paragraph (4), com-~~
19 parability pay under paragraph (1) for an individual shall
20 be considered basic pay for all purposes, including retire-
21 ment benefits under chapters 83 and 84 of title 5, and
22 other benefits.

23 “~~(4) Comparability pay under paragraph (1) for an~~
24 individual shall not be considered basic pay for purposes
25 of adverse actions under subchapter V of this chapter.

1 “(5) Comparability pay under paragraph (1) may not
 2 be awarded to an individual in an amount that would re-
 3 sult in an aggregate amount of pay (including bonuses and
 4 awards) received by such individual in a year under this
 5 title that is greater than the annual pay of the Presi-
 6 dent.”.

7 ~~(g) SPECIAL INCENTIVE PAY FOR DEPARTMENT~~
 8 ~~PHARMACIST EXECUTIVES.—~~Section 7410, as amended
 9 by subsection (f) of this section, is further amended by
 10 adding at the end the following new subsection:

11 ~~“(e) SPECIAL INCENTIVE PAY FOR DEPARTMENT~~
 12 ~~PHARMACIST EXECUTIVES.—~~(1) In order to recruit and
 13 retain highly qualified Department pharmacist executives,
 14 the Secretary may authorize the Under Secretary for
 15 Health to pay special incentive pay of not more than
 16 \$40,000 per year to an individual of the Veterans Health
 17 Administration who is a pharmacist executive.

18 ~~“(2) In determining whether and how much special~~
 19 ~~pay to provide to such individual, the Under Secretary~~
 20 ~~shall consider the following:~~

21 ~~“(A) The grade and step of the position of the~~
 22 ~~individual.~~

23 ~~“(B) The scope and complexity of the position~~
 24 ~~of the individual.~~

1 “(C) The personal qualifications of the indi-
2 vidual.

3 “(D) The characteristics of the labor market
4 concerned.

5 “(E) Such other factors as the Secretary con-
6 siders appropriate.

7 “(3) Special incentive pay under paragraph (1) for
8 an individual is in addition to all other pay (including
9 basic pay) and allowances to which the individual is enti-
10 tled.

11 “(4) Except as provided in paragraph (5), special in-
12 centive pay under paragraph (1) for an individual shall
13 be considered basic pay for all purposes, including retire-
14 ment benefits under chapters 83 and 84 of title 5, and
15 other benefits.

16 “(5) Special incentive pay under paragraph (1) for
17 an individual shall not be considered basic pay for pur-
18 poses of adverse actions under subchapter V of this chap-
19 ter.

20 “(6) Special incentive pay under paragraph (1) may
21 not be awarded to an individual in an amount that would
22 result in an aggregate amount of pay (including bonuses
23 and awards) received by such individual in a year under
24 this title that is greater than the annual pay of the Presi-
25 dent.”.

1 (h) PAY FOR PHYSICIANS AND DENTISTS.—

2 (1) NON-FOREIGN COST OF LIVING ADJUST-
3 MENT ALLOWANCE.—Section 7431(b) is amended by
4 adding at the end the following new paragraph:

5 “(5) The non-foreign cost of living adjustment
6 allowance authorized under section 5941 of title 5
7 for physicians and dentists whose pay is set under
8 this section shall be determined as a percentage of
9 base pay only.”.

10 (2) MARKET PAY DETERMINATIONS FOR PHYSI-
11 CIANS AND DENTISTS IN ADMINISTRATIVE OR EXEC-
12 UTIVE LEADERSHIP POSITIONS.—Section
13 7431(c)(4)(B)(i) is amended by adding at the end
14 the following: “The Secretary may exempt physi-
15 cians and dentists occupying administrative or exec-
16 utive leadership positions from the requirements of
17 the previous sentence.”.

18 (3) EXCEPTION TO PROHIBITION ON REDUC-
19 TION OF MARKET PAY.—Section 7431(c)(7) is
20 amended by striking “concerned.” and inserting
21 “concerned, unless there is a change in board certifi-
22 cation or reduction of privileges.”.

23 (i) ADJUSTMENT OF PAY CAP FOR NURSES.—Sec-
24 tion 7451(c)(2) is amended by striking “level V” and in-
25 serting “level IV”.

1 (j) ~~EXEMPTION FOR CERTIFIED REGISTERED NURSE~~
 2 ~~ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-~~
 3 ~~PETITIVE PAY.~~—Section 7451(c)(2) is further amended
 4 by adding at the end the following new sentence: “The
 5 maximum rate of basic pay for a grade for the position
 6 of certified registered nurse anesthetist pursuant to an ad-
 7 justment under subsection (d) may exceed the maximum
 8 rate otherwise provided in the preceding sentence.”.

9 (k) ~~LOCALITY PAY SCALE COMPUTATIONS.~~—

10 (1) ~~EDUCATION, TRAINING, AND SUPPORT FOR~~
 11 ~~FACILITY DIRECTORS IN WAGE SURVEYS.~~—Section
 12 7451(d)(3) is amended by adding at the end the fol-
 13 lowing new subparagraph:

14 “(F) The Under Secretary for Health shall provide
 15 appropriate education, training, and support to directors
 16 of Department health care facilities in the conduct and
 17 use of surveys, including the use of third-party surveys,
 18 under this paragraph.”.

19 (2) ~~INFORMATION ON METHODOLOGY USED IN~~
 20 ~~WAGE SURVEYS.~~—Section 7451(e)(4) is amended—

21 (A) by redesignating subparagraph (D) as
 22 subparagraph (E); and

23 (B) by inserting after subparagraph (C)
 24 the following new subparagraph (D):

1 “(D) In any case in which the director conducts
 2 such a wage survey during the period covered by the
 3 report and makes adjustment in rates of basic pay
 4 applicable to one or more covered positions at the fa-
 5 cility, information on the methodology used in mak-
 6 ing such adjustment or adjustments.”.

7 ~~(3) DISCLOSURE OF INFORMATION TO PERSONS~~
 8 ~~IN COVERED POSITIONS.—~~Section 7451(e), as
 9 amended by paragraph (2) of this subsection, is fur-
 10 ther amended by adding at the end the following
 11 new paragraph:

12 “(6)(A) Upon the request of an individual described
 13 in subparagraph (B) for a report provided under para-
 14 graph (4) with respect to a Department health-care facil-
 15 ity, the Under Secretary for Health or the director of such
 16 facility shall provide to the individual the most current re-
 17 port for such facility provided under such paragraph:

18 “(B) An individual described in this subparagraph
 19 is—

20 “(i) an individual in a covered position at a De-
 21 partment health-care facility; or

22 “(ii) a representative of the labor organization
 23 representing that individual who is designated by
 24 that individual to make the request.”.

1 ~~(f)~~ INCREASED LIMITATION ON SPECIAL PAY FOR
 2 NURSE EXECUTIVES.—Section 7452(g)(2) is amended by
 3 striking “\$25,000” and inserting “\$100,000”.

4 ~~(m)~~ ELIGIBILITY OF PART-TIME NURSES FOR ADDI-
 5 TIONAL NURSE PAY.—

6 ~~(1)~~ IN GENERAL.—Section 7453 is amended—

7 ~~(A)~~ in subsection (a), by striking “a
 8 nurse” and inserting “a full-time nurse or part-
 9 time nurse”;

10 ~~(B)~~ in subsection (b)—

11 ~~(i)~~ in the first sentence—

12 ~~(I)~~ by striking “on a tour of
 13 duty”;

14 ~~(II)~~ by striking “service on such
 15 tour” and inserting “such service”;
 16 and

17 ~~(III)~~ by striking “of such tour”
 18 and inserting “of such service”; and

19 ~~(ii)~~ in the second sentence, by striking
 20 “of such tour” and inserting “of such serv-
 21 ice”;

22 ~~(C)~~ in subsection (c)—

23 ~~(i)~~ by striking “on a tour of duty”;
 24 and

1 (ii) by striking “service on such tour”

2 and inserting “such service”; and

3 ~~(D)~~ in subsection (c)—

4 (i) in paragraph (1), by striking

5 “eight hours in a day” and inserting

6 “eight consecutive hours”; and

7 (ii) in paragraph (5)(A), by striking

8 “tour of duty” and inserting “period of

9 service”.

10 ~~(2) EXCLUSION OF APPLICATION OF ADDI-~~

11 ~~TIONAL NURSE PAY PROVISIONS TO CERTAIN ADDI-~~

12 ~~TIONAL EMPLOYEES.—~~Paragraph ~~(3)~~ of section

13 7454(b) is amended to read as follows:

14 “~~(3)~~ Employees appointed under section 7408 of this

15 title performing service on a tour of duty, any part of

16 which is within the period commencing at midnight Friday

17 and ending at midnight Sunday, shall receive additional

18 pay in addition to the rate of basic pay provided such em-

19 ployees for each hour of service on such tour at a rate

20 equal to 25 percent of such employee’s hourly rate of basic

21 pay.”.

22 ~~(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS~~

23 ~~FROM LIMITATION ON INCREASE IN RATES OF BASIC~~

24 ~~PAY.—~~Section 7455(c)(1) is amended by inserting after

25 “nurse anesthetists,” the following: “licensed practical

1 nurses, licensed vocational nurses, and nursing positions
 2 otherwise covered by title 5.”

3 **SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 4 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 5 **FOR NURSES.**

6 (a) OVERTIME DUTY.—

7 (1) IN GENERAL.—Subchapter IV of chapter 74
 8 is amended by adding at the end the following new
 9 section:

10 **“§ 7459. Nursing staff: special rules for overtime duty**

11 “(a) LIMITATION.—Except as provided in subsection
 12 (e), the Secretary may not require nursing staff to work
 13 more than 40 hours (or 24 hours if such staff is covered
 14 under section 7456 of this title) in an administrative work
 15 week or more than eight consecutive hours (or 12 hours
 16 if such staff is covered under section 7456 or 7456A of
 17 this title).

18 “(b) VOLUNTARY OVERTIME.—(1) Nursing staff may
 19 on a voluntary basis elect to work hours otherwise prohib-
 20 ited by subsection (a).

21 “(2) The refusal of nursing staff to work hours pro-
 22 hibited by subsection (a) shall not be grounds to discrimi-
 23 nate (within the meaning of section 704(a) of the Civil
 24 Rights Act of 1964 (42 U.S.C. 2000e-3(a))) against the

1 staff, dismissal or discharge of the staff, or any other ad-
 2 verse personnel action against the staff.

3 ~~“(c) OVERTIME UNDER EMERGENCY CIR-~~
 4 ~~CUMSTANCES.—(1) Subject to paragraph (2), the Sec-~~
 5 ~~retary may require nursing staff to work hours otherwise~~
 6 ~~prohibited by subsection (a) if—~~

7 ~~“(A) the work is a consequence of an emer-~~
 8 ~~gency that could not have been reasonably antici-~~
 9 ~~pated;~~

10 ~~“(B) the emergency is non-recurring and is not~~
 11 ~~caused by or aggravated by the inattention of the~~
 12 ~~Secretary or lack of reasonable contingency planning~~
 13 ~~by the Secretary;~~

14 ~~“(C) the Secretary has exhausted all good faith,~~
 15 ~~reasonable attempts to obtain voluntary workers;~~

16 ~~“(D) the nurse staff have critical skills and ex-~~
 17 ~~pertise that are required for the work; and~~

18 ~~“(E) the work involves work for which the~~
 19 ~~standard of care for a patient assignment requires~~
 20 ~~continuity of care through completion of a case,~~
 21 ~~treatment, or procedure.~~

22 ~~“(2) Nursing staff may not be required to work hours~~
 23 ~~under this subsection after the requirement for a direct~~
 24 ~~role by the staff in responding to medical needs resulting~~
 25 ~~from the emergency ends.~~

1 “(d) NURSING STAFF DEFINED.—In this section, the
2 term ‘nursing staff’ includes the following;

3 “(1) A registered nurse.

4 “(2) A licensed practical or vocational nurse.

5 “(3) A nurse assistant appointed under this
6 chapter or title 5.

7 “(4) Any other nurse position designated by the
8 Secretary for purposes of this section.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 74 is amended by
11 inserting after the item relating to section 7458 the
12 following new item:

“7459: Nursing staff: special rules for overtime duty.”.

13 (b) WEEKEND DUTY.—Section 7456 is amended—

14 (1) by striking subsection (c); and

15 (2) by redesignating subsection (d) as sub-
16 section (c).

17 (c) ALTERNATE WORK SCHEDULES.—

18 (1) IN GENERAL.—Section 7456A(b)(1)(A) is
19 amended by striking “three regularly scheduled” and
20 all that follows through the period at the end and
21 inserting “six regularly scheduled 12-hour periods of
22 service within a pay period shall be considered for all
23 purposes to have worked a full 80-hour pay period.”.

24 (2) CONFORMING AMENDMENTS.—Section
25 7456A(b) is amended—

1 (A) in the subsection heading, by striking
 2 “36/40” and inserting “72/80”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
 5 “40-hour basic work week” and inserting
 6 “80-hour pay period”;

7 (ii) in subparagraph (B), by striking
 8 “regularly scheduled 36-hour tour of duty
 9 within the work week” and inserting
 10 “scheduled 72-hour period of service within
 11 the bi-weekly pay period”;

12 (iii) in subparagraph (C)—

13 (I) in clause (i), by striking “reg-
 14 ularly scheduled 36-hour tour of duty
 15 within an administrative work week”
 16 and inserting “scheduled 72-hour pe-
 17 riod of service within an administra-
 18 tive pay period”;

19 (II) in clause (ii), by striking
 20 “regularly scheduled 12-hour tour of
 21 duty” and inserting “scheduled 12-
 22 hour period of service”; and

23 (III) in clause (iii), by striking
 24 “regularly scheduled 36-hour tour of
 25 duty work week” and inserting

1 “scheduled 72-hour period of service
 2 pay period”; and
 3 (iv) in subparagraph (D), by striking
 4 “regularly scheduled 12-hour tour of duty”
 5 and inserting “scheduled 12-hour period of
 6 service”; and
 7 (C) in paragraph (3), by striking “regu-
 8 larly scheduled 12-hour tour of duty” and in-
 9 serting “scheduled 12-hour period of service”.

10 **SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
 11 **SISTANCE PROGRAMS.**

12 (a) **REINSTATEMENT OF HEALTH PROFESSIONALS**
 13 **EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—**

14 (1) **IN GENERAL.**—Section 7618 is amended by
 15 striking “December 31, 1998” and inserting “De-
 16 cember 31, 2014”.

17 (2) **EXPANSION OF ELIGIBILITY REQUIRE-**
 18 **MENTS.**—Section 7612(b)(2) is amended by striking
 19 “(under section” and all that follows through “or vo-
 20 cational nurse.” and inserting the following: “as an
 21 appointee under paragraph (1) or (3) of section
 22 7401 of this title.”.

23 (b) **IMPROVEMENTS TO EDUCATION DEBT REDUC-**
 24 **TION PROGRAM.—**

1 (1) INCLUSION OF EMPLOYEE RETENTION AS
 2 PURPOSE OF PROGRAM.—Section 7681(a)(2) is
 3 amended by inserting “and retention” after “recruit-
 4 ment” the first time it appears.

5 (2) ELIGIBILITY.—Section 7682 is amended—

6 (A) in subsection (a)(1), by striking “a re-
 7 cently appointed” and inserting “an”; and

8 (B) by striking subsection (c).

9 (3) MAXIMUM AMOUNTS OF ASSISTANCE.—Sec-
 10 tion 7683(d)(1) is amended—

11 (A) by striking “\$44,000” and inserting
 12 “\$60,000”; and

13 (B) by striking “\$10,000” and inserting
 14 “\$12,000”.

15 (c) LOAN REPAYMENT PROGRAM FOR CLINICAL RE-
 16 SEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

17 (1) IN GENERAL.—The Secretary of Veterans
 18 Affairs may, in consultation with the Secretary of
 19 Health and Human Services, utilize the authorities
 20 available in section 487E of the Public Health Serv-
 21 ice Act (42 U.S.C. 288–5) for the repayment of the
 22 principal and interest of educational loans of appro-
 23 priately qualified health professionals who are from
 24 disadvantaged backgrounds in order to secure clin-

1 ical research by such professionals for the Veterans
2 Health Administration.

3 ~~(2)~~ LIMITATIONS.—The exercise by the Sec-
4 retary of Veterans Affairs of the authorities referred
5 to in paragraph (1) shall be subject to the conditions
6 and limitations specified in paragraphs (2) and (3)
7 of section 487E(a) of the Public Health Service Act
8 (42 U.S.C. 288–5(a)(2) and (3)).

9 ~~(3)~~ FUNDING.—Amounts for the repayment of
10 principal and interest of educational loans under this
11 subsection shall be derived from amounts available
12 to the Secretary of Veterans Affairs for the Veterans
13 Health Administration for Medical Services.

14 **SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE**
15 **OF PHYSICIANS IN DEPARTMENT OF VET-**
16 **ERANS AFFAIRS MEDICAL FACILITIES.**

17 ~~(a)~~ STANDARDS.—

18 ~~(1)~~ IN GENERAL.—Subchapter I of chapter 74
19 is amended by inserting after section 7402 the fol-
20 lowing new section:

21 **“§ 7402A. Appointment and practice of physicians:**
22 **standards**

23 **“(a) IN GENERAL.—**The Secretary shall, acting
24 through the Under Secretary for Health, prescribe stand-
25 ards to be met by individuals in order to qualify for ap-

1 pointment in the Veterans Health Administration in the
 2 position of physician and to practice as a physician in
 3 medical facilities of the Administration. The standards
 4 shall incorporate the requirements of this section.

5 “(b) DISCLOSURE OF CERTAIN INFORMATION BE-
 6 FORE APPOINTMENT.—Each individual seeking appoint-
 7 ment in the Veterans Health Administration in the posi-
 8 tion of physician shall do the following:

9 “(1) Provide the Secretary a full and complete
 10 explanation of the following:

11 “(A) Each lawsuit, civil action, or other
 12 claim (whether open or closed) brought against
 13 the individual for medical malpractice or neg-
 14 ligence (other than a lawsuit, action, or claim
 15 closed without any judgment against or pay-
 16 ment by or on behalf of the individual):

17 “(B) Each payment made by or on behalf
 18 of the individual to settle any lawsuit, action, or
 19 claim covered by subparagraph (A):

20 “(C) Each investigation or disciplinary ac-
 21 tion taken against the individual relating to the
 22 individual’s performance as a physician:

23 “(2) Submit a written request and authoriza-
 24 tion to the State licensing board of each State in
 25 which the individual holds or has held a license to

1 practice medicine to disclose to the Secretary any in-
2 formation in the records of such State on the fol-
3 lowing:

4 “(A) Each lawsuit, civil action, or other
5 claim brought against the individual for medical
6 malpractice or negligence covered by paragraph
7 (1)(A) that occurred in such State.

8 “(B) Each payment made by or on behalf
9 of the individual to settle any lawsuit, action, or
10 claim covered by subparagraph (A).

11 “(C) Each medical malpractice judgment
12 against the individual by the courts or adminis-
13 trative agencies or bodies of such State.

14 “(D) Each disciplinary action taken or
15 under consideration against the individual by
16 an administrative agency or body of such State.

17 “(E) Any change in the status of the li-
18 cense to practice medicine issued the individual
19 by such State, including any voluntary or non-
20 disciplinary surrendering of such license by the
21 individual.

22 “(F) Any open investigation of the indi-
23 vidual by an administrative agency or body of
24 such State, or any outstanding allegation

1 against the individual before such an adminis-
2 trative agency or body.

3 ~~“(G) Any written notification by the State~~
4 ~~to the individual of potential termination of a li-~~
5 ~~cence for cause or otherwise.~~

6 ~~“(e) DISCLOSURE OF CERTAIN INFORMATION FOL-~~
7 ~~LOWING APPOINTMENT.—(1) Each individual appointed~~
8 ~~in the Veterans Health Administration in the position of~~
9 ~~physician after the date of the enactment of this section~~
10 ~~shall, as a condition of service under the appointment, dis-~~
11 ~~close to the Secretary, not later than 30 days after the~~
12 ~~occurrence of such event, the following:~~

13 ~~“(A) A judgment against the individual for~~
14 ~~medical malpractice or negligence.~~

15 ~~“(B) A payment made by or on behalf of the~~
16 ~~individual to settle any lawsuit, action, or claim dis-~~
17 ~~closed under paragraph (1) or (2) of subsection (b).~~

18 ~~“(C) Any disposition of or material change in a~~
19 ~~matter disclosed under paragraph (1) or (2) of sub-~~
20 ~~section (b).~~

21 ~~“(2) Each individual appointed in the Veterans~~
22 ~~Health Administration in the position of physician as of~~
23 ~~the date of the enactment of this section shall do the fol-~~
24 ~~lowing:~~

1 “(A) Not later than the end of the 60-day pe-
 2 riod beginning on the date of the enactment of this
 3 section and as a condition of service under the ap-
 4 pointment after the end of that period, submit the
 5 request and authorization described in subsection
 6 (b)(2).-

7 “(B) Agree, as a condition of service under the
 8 appointment, to disclose to the Secretary, not later
 9 than 30 days after the occurrence of such event, the
 10 following:-

11 “(i) A judgment against the individual for
 12 medical malpractice or negligence.-

13 “(ii) A payment made by or on behalf of
 14 the individual to settle any lawsuit, action, or
 15 claim disclosed pursuant to subparagraph (A)
 16 or under this subparagraph.-

17 “(iii) Any disposition of or material change
 18 in a matter disclosed pursuant to subparagraph
 19 (A) or under this subparagraph.-

20 “(3) Each individual appointed in the Veterans
 21 Health Administration in the position of physician shall,
 22 as part of the biennial review of the performance of the
 23 physician under the appointment, submit the request and
 24 authorization described in subsection (b)(2). The require-

1 ment of this paragraph is in addition to the requirements
 2 of paragraph (1) or (2), as applicable.

3 ~~“(d) INVESTIGATION OF DISCLOSED MATTERS.—(1)~~
 4 ~~The Director of the Veterans Integrated Services Network~~
 5 ~~(VISN) in which an individual is seeking appointment in~~
 6 ~~the Veterans Health Administration in the position of phy-~~
 7 ~~sician shall perform an investigation (in such manner as~~
 8 ~~the standards required by this section shall specify) of~~
 9 ~~each matter disclosed under subsection (b) with respect~~
 10 ~~to the individual.~~

11 ~~“(2) The Director of the Veterans Integrated Serv-~~
 12 ~~ices Network in which an individual is appointed in the~~
 13 ~~Veterans Health Administration in the position of physi-~~
 14 ~~cian shall perform an investigation (in a manner so speci-~~
 15 ~~fied) of each matter disclosed under subsection (c) with~~
 16 ~~respect to the individual.~~

17 ~~“(3) The results of each investigation performed~~
 18 ~~under this subsection shall be fully documented.~~

19 ~~“(e) APPROVAL OF APPOINTMENTS BY DIRECTORS~~
 20 ~~OF VISNS.—(1) An individual may not be appointed in~~
 21 ~~the Veterans Health Administration in the position of phy-~~
 22 ~~sician without the approval of the Director of the Veterans~~
 23 ~~Integrated Services Network in which the individual will~~
 24 ~~first serve under the appointment.~~

1 “(2) In approving the appointment under this sub-
 2 section of an individual for whom any matters have been
 3 disclosed under subsection (b); a Director shall—

4 “(A) certify in writing the completion of the
 5 performance of the investigation under subsection
 6 (d)(1) of each such matter, including the results of
 7 such investigation; and

8 “(B) provide a written justification why any
 9 matters raised in the course of such investigation do
 10 not disqualify the individual from appointment.

11 ~~“(f) ENROLLMENT OF PHYSICIANS WITH PRACTICE~~
 12 ~~PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—~~Each
 13 medical facility of the Department at which physicians are
 14 extended the privileges of practice shall enroll each physi-
 15 cian extended such privileges in the Proactive Disclosure
 16 Service of the National Practitioner Data Bank.

17 ~~“(g) ENCOURAGING HIRING OF PHYSICIANS WITH~~
 18 ~~BOARD CERTIFICATION.—~~(1) The Secretary shall, for
 19 each performance contract with a Director of a Veterans
 20 Integrated Services Network (VISN), include in such con-
 21 tract a provision that encourages such director to hire
 22 physicians who are board eligible or board certified in the
 23 specialty in which the physicians will practice.

24 “(2) The Secretary may determine the nature and
 25 manner of the provision described in paragraph (1).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 74 is amended by
 3 inserting after the item relating to section 7402 the
 4 following new item:

“7402A. Appointment and practice of physicians: standards.”

5 (b) EFFECTIVE DATE AND APPLICABILITY.—

6 (1) EFFECTIVE DATE.—Except as provided in
 7 paragraphs (2) and (3), the amendments made by
 8 subsection (a) shall take effect on the date of the en-
 9 actment of this Act.

10 (2) APPLICABILITY OF CERTAIN REQUIRE-
 11 MENTS TO PHYSICIANS PRACTICING ON EFFECTIVE
 12 DATE.—In the case of an individual appointed to the
 13 Veterans Health Administration in the position of
 14 physician as of the date of the enactment of this
 15 Act, the requirements of section 7402A(f) of title
 16 38, United States Code, as added by subsection (a)
 17 of this section, shall take effect on the date that is
 18 60 days after the date of the enactment of this Act.

19 (3) APPLICABILITY OF REQUIREMENTS RE-
 20 LATED TO HIRING OF PHYSICIANS WITH BOARD CER-
 21 TIFICATION.—The requirement of section 7402A(g)
 22 of such title, as added by subsection (a), shall begin
 23 with the first cycle of performance contracts for di-
 24 rectors of Veterans Integrated Services Networks be-
 25 ginning after the date of the enactment of this Act.

TITLE II—HEALTH CARE MATTERS

SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING RE- QUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—

(1) IN GENERAL.—Section 8107 is repealed.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RE- SEARCH REPORT.

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by striking “Not later than March 1 of each year” and inserting “Not later than July 1, 2008, and July 1 of each of the five following years”.

SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

1 “(e) Payment by the Secretary under this section on
 2 behalf of a covered beneficiary for medical care shall con-
 3 stitute payment in full and extinguish any liability on the
 4 part of the beneficiary for that care.”.

5 **SEC. 204. PAYOR PROVISIONS FOR CARE FURNISHED TO**
 6 **CERTAIN CHILDREN OF VIETNAM VETERANS.**

7 (a) CHILDREN OF VIETNAM VETERANS BORN WITH
 8 SPINA BIFIDA.—Section 1803 is amended—

9 (1) by redesignating subsection (e) as sub-
 10 section (d); and

11 (2) by inserting after subsection (b) the fol-
 12 lowing new subsection (c):

13 “(c) Where payment by the Secretary under this sec-
 14 tion is less than the amount of the charges billed, the
 15 health care provider or agent of the health care provider
 16 may seek payment for the difference between the amount
 17 billed and the amount paid by the Secretary from a re-
 18 sponsible third party to the extent that the provider or
 19 agent thereof would be eligible to receive payment for such
 20 care or services from such third party, but—

21 “(1) the health care provider or agent for the
 22 health care provider may not impose any additional
 23 charge on the beneficiary who received the medical
 24 care, or the family of such beneficiary, for any serv-

1 ice or item for which the Secretary has made pay-
2 ment under this section;

3 ~~“(2) the total amount of payment a provider or~~
4 agent of the provider may receive for care and serv-
5 ices furnished under this section may not exceed the
6 amount billed to the Secretary; and

7 ~~“(3) the Secretary, upon request, shall disclose~~
8 to such third party information received for the pur-
9 poses of carrying out this section.”.

10 (b) CHILDREN OF WOMEN VIETNAM VETERANS
11 BORN WITH BIRTH DEFECTS.—Section 1813 is amend-
12 ed—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing new subsection (c):

17 ~~“(c) SEEKING PAYMENT FROM THIRD PARTIES.—~~
18 Where payment by the Secretary under this section is less
19 than the amount of the charges billed, the health care pro-
20 vider or agent of the health care provider may seek pay-
21 ment for the difference between the amount billed and the
22 amount paid by the Secretary from a responsible third
23 party to the extent that the health care provider or agent
24 thereof would be eligible to receive payment for such care
25 or services from such third party, but—

1 “(1) the health care provider or agent for the
 2 health care provider may not impose any additional
 3 charge on the beneficiary who received medical care;
 4 or the family of such beneficiary, for any service or
 5 item for which the Secretary has made payment
 6 under this section;

7 “(2) the total amount of payment a provider or
 8 agent of the provider may receive for care and serv-
 9 ices furnished under this section may not exceed the
 10 amount billed to the Secretary; and

11 “(3) the Secretary, upon request, shall disclose
 12 to such third party information received for the pur-
 13 poses of carrying out this section.”.

14 **SEC. 205. DISCLOSURES FROM CERTAIN MEDICAL**
 15 **RECORDS.**

16 Section 7332(b)(2) is amended by adding at the end
 17 the following new subparagraph:

18 “(F)(i) To a representative of a patient who
 19 lacks decision-making capacity, when a practitioner
 20 deems the content of the given record necessary for
 21 that representative to make an informed decision re-
 22 garding the patient’s treatment.

23 “(ii) In this subparagraph, the term ‘represent-
 24 ative’ means an individual, organization, or other
 25 body authorized under section 7331 of this title and

1 its implementing regulations to give informed con-
 2 sent on behalf of a patient who lacks decision-mak-
 3 ing capacity.”.

4 **SEC. 206. DISCLOSURE TO SECRETARY OF HEALTH-PLAN**
 5 **CONTRACT INFORMATION AND SOCIAL SECU-**
 6 **RITY NUMBER OF CERTAIN VETERANS RE-**
 7 **CEIVING CARE.**

8 (a) IN GENERAL.—Subchapter I of chapter 17 is
 9 amended by adding at the end the following new section:
 10 **“§ 1709. Disclosure to Secretary of health-plan con-**
 11 **tract information and social security**
 12 **number of certain veterans receiving**
 13 **care**

14 ~~“(a) REQUIRED DISCLOSURE OF HEALTH-PLAN~~
 15 ~~CONTRACTS.—(1) Any individual who applies for or is in~~
 16 ~~receipt of care described in paragraph (2) shall, at the~~
 17 ~~time of such application, or otherwise when requested by~~
 18 ~~the Secretary, submit to the Secretary such current infor-~~
 19 ~~mation as the Secretary may require to identify any~~
 20 ~~health-plan contract (as defined in section 1729(i) of this~~
 21 ~~title) under which such individual is covered, to include,~~
 22 ~~as applicable—~~

23 ~~“(A) the name, address, and telephone number~~
 24 ~~of such health-plan contract;~~

1 “(B) the name of the individual’s spouse, if the
2 individual’s coverage is under the spouse’s health-
3 plan contract;

4 “(C) the plan number; and

5 “(D) the plan’s group code.

6 “(2) The care described in this paragraph is—

7 “(A) hospital, nursing home, or domiciliary
8 care;

9 “(B) medical, rehabilitative, or preventive
10 health services; or

11 “(C) other medical care under laws adminis-
12 tered by the Secretary.

13 “(b) REQUIRED DISCLOSURE OF SOCIAL SECURITY
14 NUMBER.—(1) Any individual who applies for or is in re-
15 ceipt of care described in paragraph (2) shall, at the time
16 of such application, or otherwise when requested by the
17 Secretary, submit to the Secretary—

18 “(A) the individual’s social security number;
19 and

20 “(B) the social security number of any depend-
21 ent or Department beneficiary on whose behalf, or
22 based upon whom, such individual applies for or is
23 in receipt of such care.

24 “(2) The care described in this paragraph is—

1 “(A) hospital, nursing home, or domiciliary
2 care;

3 “(B) medical, rehabilitative, or preventive
4 health services; or

5 “(C) other medical care under laws adminis-
6 tered by the Secretary.

7 ~~“(3) This subsection does not require an individual~~
8 ~~to furnish the Secretary with a social security number for~~
9 ~~any individual to whom a social security number has not~~
10 ~~been assigned.~~

11 ~~“(e) FAILURE TO DISCLOSE SOCIAL SECURITY NUM-~~
12 ~~BER.—(1) The Secretary shall deny an individual’s appli-~~
13 ~~cation for, or may terminate an individual’s enrollment in,~~
14 ~~the system of patient enrollment established by the Sec-~~
15 ~~retary under section 1705 of this title, if such individual~~
16 ~~does not provide the social security number required or~~
17 ~~requested to be submitted pursuant to subsection (b).~~

18 ~~“(2) Following a denial or termination under para-~~
19 ~~graph (1) with respect to an individual, the Secretary may,~~
20 ~~upon receipt of the information required or requested~~
21 ~~under subsection (b), approve such individual’s application~~
22 ~~or reinstate such individual’s enrollment (if otherwise in~~
23 ~~order), for such medical care and services provided on and~~
24 ~~after the date of such receipt of information.~~

1 “(d) CONSTRUCTION.—Nothing in this section shall
2 be construed as authority to deny medical care and treat-
3 ment to an individual in a medical emergency.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter 17 is amended by insert-
6 ing after the item relating to section 1708 the following
7 new item:

“1709. Disclosure to Secretary of health-plan contract information and social se-
curity number of certain veterans receiving care.”.

8 **SEC. 207. ENHANCEMENT OF QUALITY MANAGEMENT.**

9 (a) ENHANCEMENT OF QUALITY MANAGEMENT
10 THROUGH QUALITY MANAGEMENT OFFICERS.—

11 (1) IN GENERAL.—Subchapter H of chapter 73
12 is amended by inserting after section 7311 the fol-
13 lowing new section:

14 **“§ 7311A. Quality management officers**

15 “(a) NATIONAL QUALITY MANAGEMENT OFFICER.—
16 (1) The Under Secretary for Health shall designate an of-
17 ficial of the Veterans Health Administration to act as the
18 principal quality management officer for the quality-assur-
19 ance program required by section 7311 of this title. The
20 official so designated may be known as the ‘National Qual-
21 ity Management Officer of the Veterans Health Adminis-
22 tration’ (in this section referred to as the ‘National Qual-
23 ity Management Officer’).

1 “(2) The National Quality Management Officer shall
2 report directly to the Under Secretary for Health in the
3 discharge of responsibilities and duties of the Officer
4 under this section.

5 “(3) The National Quality Management Officer shall
6 be the official within the Veterans Health Administration
7 who is principally responsible for the quality-assurance
8 program referred to in paragraph (1). In carrying out that
9 responsibility, the Officer shall be responsible for the fol-
10 lowing:

11 “(A) Establishing and enforcing the require-
12 ments of the program referred to in paragraph (1).

13 “(B) Developing an aggregate quality metric
14 from existing data sources, such as the Inpatient
15 Evaluation Center of the Department, the National
16 Surgical Quality Improvement Program of the
17 American College of Surgeons, and the External
18 Peer Review Program of the Veterans Health Ad-
19 ministration, that could be used to assess reliably
20 the quality of care provided at individual Depart-
21 ment medical centers and associated community
22 based outpatient clinics.

23 “(C) Ensuring that existing measures of qual-
24 ity, including measures from the Inpatient Evalua-
25 tion Center, the National Surgical Quality Improve-

1 ment Program, System-Wide Ongoing Assessment
 2 and Review reports of the Department, and Com-
 3 bined Assessment Program reviews of the Office of
 4 Inspector General of the Department, are monitored
 5 routinely and analyzed in a manner that ensures the
 6 timely detection of quality of care issues.

7 “(D) Encouraging research and development in
 8 the area of quality metrics for the purposes of im-
 9 proving how the Department measures quality in in-
 10 dividual facilities.

11 “(E) Carrying out such other responsibilities
 12 and duties relating to quality management in the
 13 Veterans Health Administration as the Under Sec-
 14 retary for Health shall specify.

15 “(4) The requirements under paragraph (3) shall in-
 16 clude requirements regarding the following:

17 “(A) A confidential system for the submittal of
 18 reports by Veterans Health Administration per-
 19 sonnel regarding quality management at Department
 20 facilities.

21 “(B) Mechanisms for the peer review of the ac-
 22 tions of individuals appointed in the Veterans Health
 23 Administration in the position of physician.

24 “(b) QUALITY MANAGEMENT OFFICERS FOR
 25 VISNs.—(1) The Regional Director of each Veterans In-

1 Integrated Services Network (VISN) shall appoint an official
 2 of the Network to act as the quality management officer
 3 of the Network.

4 “(2) The quality management officer for a Veterans
 5 Integrated Services Network shall report to the Regional
 6 Director of the Veterans Integrated Services Network, and
 7 to the National Quality Management Officer, regarding
 8 the discharge of the responsibilities and duties of the offi-
 9 cer under this section.

10 “(3) The quality management officer for a Veterans
 11 Integrated Services Network shall—

12 “(A) direct the quality management office in
 13 the Network; and

14 “(B) coordinate, monitor, and oversee the qual-
 15 ity management programs and activities of the Ad-
 16 ministration medical facilities in the Network in
 17 order to ensure the thorough and uniform discharge
 18 of quality management requirements under such
 19 programs and activities throughout such facilities.

20 “(c) QUALITY MANAGEMENT OFFICERS FOR MED-
 21 ICAL FACILITIES.—(1) The director of each Veterans
 22 Health Administration medical facility shall appoint a
 23 quality management officer for that facility.

24 “(2) The quality management officer for a facility
 25 shall report directly to the director of the facility, and to

1 the quality management officer of the Veterans Integrated
 2 Services Network in which the facility is located, regarding
 3 the discharge of the responsibilities and duties of the qual-
 4 ity management officer under this section.

5 “(3) The quality management officer for a facility
 6 shall be responsible for designing, disseminating, and im-
 7 plementing quality management programs and activities
 8 for the facility that meet the requirements established by
 9 the National Quality Management Officer under sub-
 10 section (a).

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Ex-
 12 cept as provided in paragraph (2), there are authorized
 13 to be appropriated such sums as may be necessary to carry
 14 out this section.

15 “(2) There are authorized to be appropriated to carry
 16 out the provisions of subparagraphs (B), (C), and (D) of
 17 subsection (a)(3), \$25,000,000 for the two-year period of
 18 fiscal years beginning after the date of the enactment of
 19 this section.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 73 is amended by
 22 inserting after the item relating to section 7311 the
 23 following new item:

“7311A. Quality management officers.”.

1 (b) ~~REPORTS ON QUALITY CONCERNS UNDER QUALITY-ASSURANCE PROGRAM.~~—Section 7311(b) is amended
 2 by adding at the end the following new paragraph:

3 “(4) As part of the quality-assurance program, the
 4 Under Secretary for Health shall establish mechanisms
 5 through which employees of Veterans Health Administra-
 6 tion facilities may submit reports, on a confidential basis,
 7 on matters relating to quality of care in Veterans Health
 8 Administration facilities to the quality management offi-
 9 cers of such facilities under section 7311A(b) of this title.
 10 The mechanisms shall provide for the prompt and thor-
 11 ough review of any reports so submitted by the receiving
 12 officials.”.

13 (c) ~~REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.~~—

14 (1) ~~IN GENERAL.~~—The Secretary of Veterans
 15 Affairs shall conduct a comprehensive review of all
 16 current policies and protocols of the Department of
 17 Veterans Affairs for maintaining health care quality
 18 and patient safety at Department medical facilities.
 19 The review shall include a review and assessment of
 20 the National Surgical Quality Improvement Program
 21 (NSQIP), including an assessment of—

22 (A) the efficacy of the quality indicators
 23 under the program;

1 (B) the efficacy of the data collection
2 methods under the program;

3 (C) the efficacy of the frequency with
4 which regular data analyses are performed
5 under the program; and

6 (D) the extent to which the resources allo-
7 cated to the program are adequate to fulfill the
8 stated function of the program.

9 (2) REPORT.—Not later than 60 days after the
10 date of the enactment of this Act, the Secretary
11 shall submit to Congress a report on the review con-
12 ducted under paragraph (1), including the findings
13 of the Secretary as a result of the review and such
14 recommendations as the Secretary considers appro-
15 priate in light of the review.

16 **SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT**
17 **HEALTH CARE QUALITY MANAGEMENT.**

18 (a) REPORT.—Not later than December 15, 2009,
19 and each year thereafter through 2012, the Secretary of
20 Veterans Affairs shall submit to the congressional vet-
21 erans affairs committees a report on the implementation
22 of sections 104 and 207 of this Act and the amendments
23 made by such sections during the preceding fiscal year.
24 Each report shall include, for the fiscal year covered by
25 such report, the following:

1 (1) A comprehensive description of the imple-
 2 mentation of sections 104 and 207 of this Act and
 3 the amendments made by such sections.

4 (2) Such recommendations as the Secretary
 5 considers appropriate for legislative or administra-
 6 tive action to improve the authorities and require-
 7 ments in such sections and the amendments made
 8 by such sections or to otherwise improve the quality
 9 of health care and the quality of the physicians in
 10 the Veterans Health Administration.

11 (b) CONGRESSIONAL VETERANS AFFAIRS COMMIT-
 12 TEES DEFINED.—In this section, the term “congressional
 13 veterans affairs committees” means—

14 (1) the Committees on Veterans’ Affairs and
 15 Appropriations of the Senate; and

16 (2) the Committees on Veterans’ Affairs and
 17 Appropriations of the House of Representatives.

18 **SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFI-**
 19 **CATION FOR FAMILY CAREGIVER PERSONAL**
 20 **CARE ATTENDANTS FOR VETERANS AND**
 21 **MEMBERS OF THE ARMED FORCES WITH**
 22 **TRAUMATIC BRAIN INJURY.**

23 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
 24 of Veterans Affairs shall, in collaboration with the Sec-
 25 retary of Defense, carry out a pilot program to assess the

1 feasibility and advisability of providing training and cer-
 2 tification for family caregivers of veterans and members
 3 of the Armed Forces with traumatic brain injury as per-
 4 sonal care attendants of such veterans and members.

5 (b) DURATION OF PROGRAM.—The pilot program re-
 6 quired by subsection (a) shall be carried out during the
 7 three-year period beginning on the date of the commence-
 8 ment of the pilot program.

9 (c) LOCATIONS.—

10 (1) IN GENERAL.—The pilot program under
 11 this section shall be carried out—

12 (A) in three medical facilities of the De-
 13 partment of Veterans Affairs; and

14 (B) if determined appropriate by the Sec-
 15 retary of Veterans Affairs and the Secretary of
 16 Defense, one medical facility of the Department
 17 of Defense.

18 (2) EMPHASIS ON POLYTRAUMA CENTERS.—In
 19 selecting the locations of the pilot program at facili-
 20 ties of the Department of Veterans Affairs, the Sec-
 21 retary of Veterans Affairs shall give special empha-
 22 sis to the polytrauma centers of the Department of
 23 Veterans Affairs designated as Tier I polytrauma
 24 centers.

25 (d) TRAINING CURRICULA.—

1 (1) IN GENERAL.—The Secretary of Veterans
 2 Affairs shall develop curricula for the training of
 3 personal care attendants under the pilot program
 4 under this section. Such curricula shall incor-
 5 porate—

6 (A) applicable standards and protocols uti-
 7 lized by certification programs of national brain
 8 injury care specialist organizations; and

9 (B) best practices recognized by caregiving
 10 organizations.

11 (2) USE OF EXISTING CURRICULA.—In devel-
 12 oping the curricula required by paragraph (1), the
 13 Secretary of Veterans Affairs shall, to the extent
 14 practicable, utilize and expand upon training cur-
 15 ricula developed pursuant to section 744(b) of the
 16 John Warner National Defense Authorization Act
 17 for Fiscal Year 2007 (Public Law 109–364; 120
 18 Stat. 2308).

19 (c) PARTICIPATION IN PROGRAMS.—

20 (1) IN GENERAL.—The Secretary of Veterans
 21 Affairs shall determine the eligibility of a family
 22 member of a veteran or member of the Armed
 23 Forces for participation in the pilot program under
 24 this section.

1 (2) BASIS FOR DETERMINATION.—A determina-
 2 tion made under paragraph (1) shall be based on the
 3 needs of the veteran or member of the Armed Forces
 4 concerned, as determined by the physician of such
 5 veteran or member.

6 (f) ELIGIBILITY FOR COMPENSATION.—A family
 7 caregiver of a veteran or member of the Armed Forces
 8 who receives certification as a personal care attendant
 9 under the pilot program under this section shall be eligible
 10 for compensation from the Department of Veterans Af-
 11 fairs for care provided to such veteran or member.

12 (g) COSTS OF TRAINING.—

13 (1) TRAINING OF FAMILIES OF VETERANS.—
 14 Any costs of training provided under the pilot pro-
 15 gram under this section for family members of vet-
 16 erans shall be borne by the Secretary of Veterans
 17 Affairs.

18 (2) TRAINING OF FAMILIES OF MEMBERS OF
 19 THE ARMED FORCES.—The Secretary of Defense
 20 shall reimburse the Secretary of Veterans Affairs for
 21 any costs of training provided under the pilot pro-
 22 gram for family members of members of the Armed
 23 Forces.

24 (h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs may provide to a family caregiver who re-
3 ceives training under the pilot program under this
4 section—

5 (A) an assessment of their needs with re-
6 spect to their role as a family caregiver; and

7 (B) a referral to services and support
8 that—

9 (i) are relevant to any needs identified
10 in such assessment; and

11 (ii) are provided in the community
12 where the family caregiver resides, includ-
13 ing such services and support provided by
14 community-based organizations, publicly
15 funded programs, and the Department of
16 Veterans Affairs.

17 (2) USE OF EXISTING TOOLS.—In developing
18 and administering an assessment under paragraph
19 (1), the Secretary shall, to the extent practicable,
20 use and expand upon caregiver assessment tools al-
21 ready developed and in use by the Department.

22 (i) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Secretary of Veterans
24 Affairs shall submit to Congress a report on the pilot pro-
25 gram carried out under this section, including the rec-

1 ommendations of the Secretary with respect to expansion
2 or modification of the pilot program.

3 (j) CONSTRUCTION.—Nothing in this section shall be
4 construed—

5 (1) to establish a mandate or right for a family
6 caregiver to be trained and certified under this sec-
7 tion; and

8 (2) to prohibit the Secretary from considering
9 or adopting the preference of a veteran or member
10 of the Armed Forces for services provided by a per-
11 sonal care attendant who is not a family caregiver.

12 (k) FAMILY CAREGIVER DEFINED.—In this section,
13 with respect to member of the Armed Forces or a veteran
14 with traumatic brain injury, the term “family caregiver”
15 means a family member of such member or veteran, or
16 such other individual of similar affinity to such member
17 or veteran as the Secretary proscribes, who is providing
18 care to such member or veteran for such traumatic brain
19 injury.

1 **SEC. 210. PILOT PROGRAM ON PROVISION OF RESPITE**
 2 **CARE TO MEMBERS OF THE ARMED FORCES**
 3 **AND VETERANS WITH TRAUMATIC BRAIN IN-**
 4 **JURY BY STUDENTS IN GRADUATE PRO-**
 5 **GRAMS OF EDUCATION RELATED TO MENTAL**
 6 **HEALTH OR REHABILITATION.**

7 (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary
 8 of Veterans Affairs shall, in collaboration with the Sec-
 9 retary of Defense, carry out a pilot program to assess the
 10 feasibility and advisability of providing respite care to
 11 members of the Armed Forces and veterans described in
 12 subsection (c) through students enrolled in graduate pro-
 13 grams of education described in subsection (d)(1) to pro-
 14 vide—

15 (1) relief to the family caregivers of such mem-
 16 bers and veterans from the responsibilities associ-
 17 ated with providing care to such members and vet-
 18 erans; and

19 (2) socialization and cognitive skill development
 20 to such members and veterans.

21 (b) **DURATION OF PROGRAM.**—The pilot program re-
 22 quired by subsection (a) shall be carried out during the
 23 three-year period beginning on the date of the commence-
 24 ment of the pilot program.

1 ~~(c) COVERED MEMBERS AND VETERANS.—~~The mem-
 2 bers of the Armed Forces and veterans described in this
 3 subsection are the individuals as follows:

4 ~~(1) Members of the Armed Forces who have~~
 5 been diagnosed with traumatic brain injury, includ-
 6 ing limitations of ambulatory mobility, cognition,
 7 and verbal abilities.

8 ~~(2) Veterans who have been so diagnosed.~~

9 ~~(d) PROGRAM LOCATIONS.—~~

10 ~~(1) IN GENERAL.—~~The pilot program shall be
 11 carried out at not more than 10 locations selected by
 12 the Secretary of Veterans Affairs for purposes of the
 13 pilot program. Each location so selected shall be a
 14 medical facility of the Department of Veterans Af-
 15 fairs that is in close proximity to, or that has a rela-
 16 tionship, affiliation, or established partnership with,
 17 an institution of higher education that has a grad-
 18 uate program in an appropriate mental health or re-
 19 habilitation related field, such as social work, nurs-
 20 ing, psychology, occupational therapy, physical ther-
 21 apy, or interdisciplinary training programs.

22 ~~(2) CONSIDERATIONS.—~~In selecting medical fa-
 23 cilities of the Department for the pilot program, the
 24 Secretary shall give special consideration to the fol-
 25 lowing:

1 (A) The polytrauma centers of the Depart-
2 ment designated as Tier I polytrauma centers.

3 (B) Facilities of the Department in regions
4 with a high concentration of veterans with trau-
5 matic brain injury.

6 (c) SCOPE OF ASSISTANCE.—

7 (1) USE OF GRADUATE STUDENTS.—In ear-
8 rying out the pilot program, the Secretary shall—

9 (A) recruit students enrolled in a graduate
10 program of education selected by the Secretary
11 under subsection (d)(1) to provide respite care
12 to the members of the Armed Forces and vet-
13 erans described in subsection (c);

14 (B) train such students to provide respite
15 care to such members and veterans; and

16 (C) match such students with such mem-
17 bers and veterans in the student's local area for
18 the provision of individualized respite care to
19 such members and veterans.

20 (2) DETERMINATIONS IN CONJUNCTION WITH
21 HEADS OF GRADUATE PROGRAMS OF EDUCATION.—

22 The Secretary shall determine, in collaboration with
23 the head of the graduate program of education cho-
24 sen to participate in the pilot program under sub-
25 section (d)(1), the following:

1 (A) The amount of training that a student
2 shall complete before providing respite care
3 under the pilot program.

4 (B) The number of hours of respite care to
5 be provided by the students who participate in
6 the pilot program.

7 (C) The requirements for successful par-
8 ticipation by a student in the pilot program.

9 (f) TRAINING STANDARDS AND BEST PRACTICES.—
10 In providing training under subsection (e)(1)(B), the Sec-
11 retary shall use—

12 (1) applicable standards and protocols used by
13 certification programs of national brain injury care
14 specialist organizations in the provision of respite
15 care training; and

16 (2) best practices recognized by caregiving or-
17 ganizations.

18 (g) DEFINITIONS.—In this section:

19 (1) FAMILY CAREGIVER.—With respect to mem-
20 ber of the Armed Forces or a veteran with traumatic
21 brain injury, the term “family caregiver” means a
22 relative, partner, or friend of such member or vet-
23 eran who is providing care to such member or vet-
24 eran for such traumatic brain injury.

1 (2) **RESPITE CARE.**—The term “respite care”
 2 means the temporary provision of care to an indi-
 3 vidual to provide relief to the regular caregiver of
 4 the individual from the ongoing responsibility of pro-
 5 viding care to such individual.

6 **SEC. 211. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
 7 **ORGANIZATIONS AND LOCAL AND STATE**
 8 **GOVERNMENT ENTITIES TO ENSURE THAT**
 9 **VETERANS RECEIVE CARE AND BENEFITS**
 10 **FOR WHICH THEY ARE ELIGIBLE.**

11 (a) **PILOT PROGRAM REQUIRED.**—The Secretary of
 12 Veterans Affairs shall carry out a pilot program to assess
 13 the feasibility and advisability of using community-based
 14 organizations and local and State government entities—

15 (1) to increase the coordination of community,
 16 local, State, and Federal providers of health care
 17 and benefits for veterans to assist veterans who are
 18 transitioning from military service to civilian life in
 19 such transition;

20 (2) to increase the availability of high quality
 21 medical and mental health services to veterans
 22 transitioning from military service to civilian life;

23 (3) to provide assistance to families of veterans
 24 who are transitioning from military service to civil-

1 ian life to help such families adjust to such transi-
2 tion; and

3 ~~(4)~~ to provide outreach to veterans and their
4 families to inform them about the availability of ben-
5 efits and connect them with appropriate care and
6 benefit programs.

7 ~~(b)~~ DURATION OF PROGRAM.—The pilot program
8 shall be carried out during the two-year period beginning
9 on the date of the enactment of this Act.

10 ~~(c)~~ PROGRAM LOCATIONS.—

11 ~~(1)~~ IN GENERAL.—The pilot program shall be
12 carried out at five locations selected by the Secretary
13 for purposes of the pilot program.

14 ~~(2)~~ CONSIDERATIONS.—In selecting locations
15 for the pilot program, the Secretary shall consider
16 the advisability of selecting locations in—

17 ~~(A)~~ rural areas;

18 ~~(B)~~ areas with populations that have a
19 high proportion of minority group representa-
20 tion;

21 ~~(C)~~ areas with populations that have a
22 high proportion of individuals who have limited
23 access to health care; and

24 ~~(D)~~ areas that are not in close proximity
25 to an active duty military installation.

1 (d) GRANTS.—The Secretary shall carry out the pilot
 2 program through the award of grants to community-based
 3 organizations and local and State government entities.

4 (e) SELECTION OF GRANT RECIPIENTS.—

5 (1) IN GENERAL.—A community-based organi-
 6 zation or local or State government entity seeking a
 7 grant under the pilot program shall submit to the
 8 Secretary of Veterans Affairs an application therefor
 9 in such form and in such manner as the Secretary
 10 considers appropriate.

11 (2) ELEMENTS.—Each application submitted
 12 under paragraph (1) shall include the following:

13 (A) A description of how the proposal was
 14 developed in consultation with the Department
 15 of Veterans Affairs.

16 (B) A plan to coordinate activities under
 17 the pilot program, to the greatest extent pos-
 18 sible, with the local, State, and Federal pro-
 19 viders of services for veterans to reduce duplica-
 20 tion of services and to increase the effect of
 21 such services.

22 (f) USE OF GRANT FUNDS.—The Secretary shall pre-
 23 scribe appropriate uses of grant funds received under the
 24 pilot program.

25 (g) REPORT ON PROGRAM.—

1 (1) IN GENERAL.—Not later than 180 days
 2 after the completion of the pilot program, the Sec-
 3 retary shall submit to Congress a report on the pilot
 4 program.

5 (2) ELEMENTS.—The report required by para-
 6 graph (1) shall include the following:

7 (A) The findings and conclusions of the
 8 Secretary with respect to the pilot program.

9 (B) An assessment of the benefits to vet-
 10 erans of the pilot program.

11 (C) The recommendations of the Secretary
 12 as to the advisability of continuing the pilot
 13 program.

14 **SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
 15 **TATION FOR CERTAIN VETERANS.**

16 Section 1720 is amended by adding at the end the
 17 following new subsection:

18 “(g) The Secretary may contract with appropriate en-
 19 tities to provide specialized residential care and rehabilita-
 20 tion services to a veteran of Operation Enduring Freedom
 21 or Operation Iraqi Freedom who the Secretary determines
 22 suffers from a traumatic brain injury, has an accumula-
 23 tion of deficits in activities of daily living and instrumental
 24 activities of daily living, and because of these deficits,
 25 would otherwise require admission to a nursing home even

1 though such care would generally exceed the veteran's
 2 nursing needs.”.

3 **SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO**
 4 **THIRD PARTY FOR COLLECTION OF CHARGES**
 5 **FOR PROVISION OF CERTAIN CARE.**

6 (a) ~~LIMITED EXCEPTION TO CONFIDENTIALITY OF~~
 7 ~~MEDICAL RECORDS.~~—Section 5701 is amended by adding
 8 at the end the following new subsection:

9 “(1) Under regulations that the Secretary shall pre-
 10 scribe, the Secretary may disclose the name or address,
 11 or both, of any individual who is a present or former mem-
 12 ber of the Armed Forces, or who is a dependent of a
 13 present or former member of the Armed Forces, to a third
 14 party, as defined in section 1729(i)(3)(D) of this title, in
 15 order to enable the Secretary to collect reasonable charges
 16 under section 1729(a)(2)(E) of this title for care or serv-
 17 ices provided for a non-service-connected disability.”.

18 (b) ~~DISCLOSURES FROM CERTAIN MEDICAL~~
 19 ~~RECORDS.~~—Section 7332(b)(2), as amended by section
 20 205 of this Act, is further amended by adding at the end
 21 the following new subparagraph:

22 “(G) To a third party, as defined in section
 23 1729(i)(3)(D) of this title, to collect reasonable
 24 charges under section 1729(a)(2)(E) of this title for

1 care or services provided for a non-service-connected
2 disability.”.

3 **SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF**
4 **PROJECT SHIPBOARD HAZARD AND DE-**
5 **FENSE.**

6 (a) **IN GENERAL.**—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall enter into a contract with the Institute
9 of Medicine of the National Academies to conduct an ex-
10 panded study on the health impact of Project Shipboard
11 Hazard and Defense (Project SHAD).

12 (b) **COVERED VETERANS.**—The study required by
13 subsection (a) shall include, to the extent practicable, all
14 veterans who participated in Project Shipboard Hazard
15 and Defense.

16 (c) **UTILIZATION OF EXISTING STUDIES.**—The study
17 required by subsection (a) may use results from the study
18 covered in the report entitled “Long-Term Health Effects
19 of Participation in Project SHAD” of the Institute of
20 Medicine of the National Academies.

21 **SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR RE-**
22 **HABILITATION OF INDIVIDUALS WITH TRAU-**
23 **MATIC BRAIN INJURY.**

24 Section 1710E is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (e);

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection (b):

5 “(b) COVERED INDIVIDUALS.—The care and services
6 provided under subsection (a) shall be made available to
7 an individual—

8 “(1) who is described in section 1710C(a) of
9 this title; and

10 “(2)(A) to whom the Secretary is unable to pro-
11 vide such treatment or services at the frequency or
12 for the duration prescribed in such plan; or

13 “(B) for whom the Secretary determines that it
14 is optimal with respect to the recovery and rehabili-
15 tation for such individual.”; and

16 (3) by adding at the end the following new sub-
17 section:

18 “(d) STANDARDS.—The Secretary may not provide
19 treatment or services as described in subsection (a) at a
20 non-Department facility under such subsection unless
21 such facility maintains standards for the provision of such
22 treatment or services established by an independent, peer-
23 reviewed organization that accredits specialized rehabilita-
24 tion programs for adults with traumatic brain injury.”.

1 **SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL**
 2 **ORGANIZATIONS IN CERTAIN PROGRAMS FOR**
 3 **STATE VETERANS HOMES.**

4 (a) TREATMENT OF TRIBAL ORGANIZATION HEALTH
 5 FACILITIES AS STATE HOMES.—Section 8138 is amend-
 6 ed—

7 (1) by redesignating subsection (e) as sub-
 8 section (f); and

9 (2) by inserting after subsection (d) the fol-
 10 lowing new subsection (e):

11 “(e)(1) A health facility (or certain beds in a health
 12 facility) of a tribal organization is treatable as a State
 13 home under subsection (a) in accordance with the provi-
 14 sions of that subsection.

15 “(2) Except as provided in paragraph (3), the provi-
 16 sions of this section shall apply to a health facility (or cer-
 17 tain beds in such facility) treated as a State home under
 18 subsection (a) by reason of this subsection to the same
 19 extent as health facilities (or beds) treated as a State
 20 home under subsection (a).

21 “(3) Subsection (f) shall not apply to the treatment
 22 of health facilities (or certain beds in such facilities) of
 23 tribal organizations as a State home under subsection
 24 (a).”

25 (b) STATE HOME FACILITIES FOR DOMICILIARY,
 26 NURSING, AND OTHER CARE.—

1 (1) IN GENERAL.—Chapter 81 is further
2 amended—

3 (A) in section 8131, by adding at the end
4 the following new paragraph:

5 “(5) The term ‘tribal organization’ has the
6 meaning given such term in section 3765 of this
7 title.”;

8 (B) in section 8132, by inserting “and
9 tribal organizations” after “the several States”;
10 and

11 (C) by inserting after section 8133 the fol-
12 lowing new section:

13 **“§ 8133A. Tribal organizations**

14 “(a) AUTHORITY TO AWARD GRANTS.—The Sec-
15 retary may award a grant to a tribal organization under
16 this subchapter in order to carry out the purposes of this
17 subchapter.

18 “(b) MANNER AND CONDITION OF GRANT
19 AWARDS.—(1) Grants to tribal organizations under this
20 section shall be awarded in the same manner, and under
21 the same conditions, as grants awarded to the several
22 States under the provisions of this subchapter, subject to
23 such exceptions as the Secretary shall prescribe for pur-
24 poses of this subchapter to take into account the unique
25 circumstances of tribal organizations.

1 “(2) For purposes of according priority under sub-
 2 section (c)(2) of section 8135 of this title to an application
 3 submitted under subsection (a) of such section, an applica-
 4 tion submitted under such subsection (a) by a tribal orga-
 5 nization of a State that has previously applied for award
 6 of a grant under this subchapter for construction or acqui-
 7 sition of a State nursing home shall be considered under
 8 subparagraph (C) of such subsection (c)(2) an application
 9 from a tribal organization that has not previously applied
 10 for such a grant.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of chapter 81 is amended by
 13 inserting after the item relating to section 8133 the
 14 following new item:

“8133A. Tribal organizations.”.

15 **SEC. 217. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
 16 **SURANCE PLANS TO VETERANS AND SUR-**
 17 **VIVORS AND DEPENDENTS OF VETERANS.**

18 (a) PILOT PROGRAM REQUIRED.—The Secretary of
 19 Veterans Affairs shall carry out a pilot program to assess
 20 the feasibility and advisability of providing a dental insur-
 21 ance plan to veterans and survivors and dependents of vet-
 22 erans described in subsection (b).

23 (b) COVERED VETERANS AND SURVIVORS AND DE-
 24 PENDENTS.—The veterans and survivors and dependents
 25 of veterans described in this subsection are as follows:

1 (1) Any veteran who is enrolled in the system
2 of annual patient enrollment under section 1705 of
3 this title.

4 (2) Any survivor or dependent of a veteran who
5 is eligible for medical care under section 1781 of
6 this title.

7 (c) DURATION OF PROGRAM.—The pilot program
8 shall be carried out during the three-year period beginning
9 on the date of the enactment of this Act.

10 (d) PILOT PROGRAM LOCATIONS.—The pilot pro-
11 gram shall be carried out in not less than two and not
12 more than four Veterans Integrated Services Networks
13 (VISNs) selected by the Secretary of Veterans Affairs for
14 purposes of the pilot program.

15 (e) ADMINISTRATION.—The Secretary of Veterans
16 Affairs shall contract with a dental insurer to administer
17 the dental plan provided under the pilot program.

18 (f) BENEFITS.—The dental insurance plan under the
19 pilot program shall provide such benefits for dental care
20 and treatment as the Secretary considers appropriate for
21 the dental insurance plan, including diagnostic services,
22 preventative services, endodontics and other restorative
23 services, surgical services, and emergency services.

24 (g) ENROLLMENT.—

1 (1) VOLUNTARY.—Enrollment in the dental in-
 2 surance plan under this section shall be voluntary.

3 (2) MINIMUM PERIOD.—Enrollment in the den-
 4 tal insurance plan shall be for such minimum period
 5 as the Secretary shall prescribe for purposes of this
 6 section.

7 (h) PREMIUMS.—

8 (1) IN GENERAL.—Premiums for coverage
 9 under the dental insurance plan under the pilot pro-
 10 gram shall be in such amount or amounts as the
 11 Secretary of Veterans Affairs shall prescribe to cover
 12 all costs associated with the pilot program.

13 (2) ANNUAL ADJUSTMENT.—The Secretary
 14 shall adjust the premiums payable under the pilot
 15 program for coverage under the dental insurance
 16 plan on an annual basis. Each individual covered by
 17 the dental insurance plan at the time of such an ad-
 18 justment shall be notified of the amount and effec-
 19 tive date of such adjustment.

20 (3) RESPONSIBILITY FOR PAYMENT.—Each in-
 21 dividual covered by the dental insurance plan shall
 22 pay the entire premium for coverage under the den-
 23 tal insurance plan, in addition to the full cost of any
 24 copayments.

25 (i) VOLUNTARY DISENROLLMENT.—

1 ~~(1) IN GENERAL.~~—With respect to enrollment
 2 in the dental insurance plan under the pilot pro-
 3 gram, the Secretary shall—

4 ~~(A)~~ permit the voluntary disenrollment of
 5 an individual in the dental insurance plan if the
 6 disenrollment occurs during the 30-day period
 7 beginning on the date of the enrollment of the
 8 individual in the dental insurance plan; and

9 ~~(B)~~ permit the voluntary disenrollment of
 10 an individual in the dental insurance plan for
 11 such circumstances as the Secretary shall pre-
 12 scribe for purposes of this subsection; but only
 13 to the extent such disenrollment does not jeop-
 14 ardize the fiscal integrity of the dental insur-
 15 ance plan.

16 ~~(2) ALLOWABLE CIRCUMSTANCES.~~—The cir-
 17 cumstances prescribed under paragraph ~~(1)(B)~~ shall
 18 include the following:

19 ~~(A)~~ If an individual enrolled in the dental
 20 insurance plan relocates to a location outside
 21 the jurisdiction of the dental insurance plan
 22 that prevents utilization of the benefits under
 23 the dental insurance plan.

24 ~~(B)~~ If an individual enrolled in the dental
 25 insurance plan is prevented by a serious med-

1 ical condition from being able to obtain benefits
2 under the dental insurance plan.

3 ~~(C) Such other circumstances as the Sec-~~
4 ~~retary shall prescribe for purposes of this sub-~~
5 ~~section.~~

6 ~~(3) ESTABLISHMENT OF PROCEDURES.—The~~
7 ~~Secretary shall establish procedures for determina-~~
8 ~~tions on the permissibility of voluntary~~
9 ~~disenrollments under paragraph (1)(B). Such proce-~~
10 ~~dures shall ensure timely determinations on the per-~~
11 ~~missibility of such disenrollments.~~

12 ~~(j) RELATIONSHIP TO DENTAL CARE PROVIDED BY~~
13 ~~SECRETARY.—Nothing in this section shall affect the re-~~
14 ~~sponsibility of the Secretary to provide dental care under~~
15 ~~section 1712 of title 38, United States Code, and the par-~~
16 ~~ticipation of an individual in the dental insurance plan~~
17 ~~under the pilot program shall not affect the individual's~~
18 ~~entitlement to outpatient dental services and treatment,~~
19 ~~and related dental appliances, under that section.~~

20 ~~(k) REGULATIONS.—The dental insurance plan under~~
21 ~~the pilot program shall be administered under such regula-~~
22 ~~tions as the Secretary shall prescribe.~~

1 **TITLE III—WOMEN VETERANS** 2 **HEALTH CARE**

3 **SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH** 4 **CARE FOR WOMEN VETERANS.**

5 (a) REPORT.—Not later than June 1, 2010, the Sec-
6 retary of Veterans Affairs shall submit to the Committee
7 on Veterans' Affairs of the Senate and the Committee on
8 Veterans' Affairs of the House of Representatives a report
9 on the barriers to the receipt of comprehensive health care
10 through the Department of Veterans Affairs that are en-
11 countered by women veterans, especially veterans of Oper-
12 ation Iraqi Freedom and Operation Enduring Freedom.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include the following:

15 (1) An identification and assessment of the fol-
16 lowing:

17 (A) Any stigma perceived or associated
18 with seeking mental health care services
19 through the Department of Veterans Affairs.

20 (B) The effect on access to care through
21 the Department of driving distance or avail-
22 ability of other forms of transportation to the
23 nearest appropriate facility of the Department.

24 (C) The availability of child care.

1 ~~(D)~~ The receipt of health care through
2 women's health clinics, integrated primary care
3 clinics, or both.

4 ~~(E)~~ The extent of comprehension of eligi-
5 bility requirements for health care through the
6 Department, and the scope of health care serv-
7 ices available through the Department.

8 ~~(F)~~ The quality and nature of the recep-
9 tion of women veterans by Department health
10 care providers and other staff.

11 ~~(G)~~ The perception of personal safety and
12 comfort of women veterans in inpatient, out-
13 patient, and behavioral health facilities of the
14 Department.

15 ~~(H)~~ The sensitivity of Department health
16 care providers and other staff to issues that
17 particularly affect women.

18 ~~(I)~~ The effectiveness of outreach on health
19 care services of the Department that are avail-
20 able to women veterans.

21 ~~(J)~~ Such other matters as the Secretary
22 identifies for purposes of the assessment.

23 ~~(2)~~ Such recommendations for administrative
24 and legislative action as the Secretary considers ap-
25 propriate in light of the report.

1 (c) FACILITY OF THE DEPARTMENT DEFINED.—In
 2 this section, the term “facility of the Department” has the
 3 meaning given that term in section 1701 of title 38,
 4 United States Code.

5 **SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE**
 6 **SERVICES TO WOMEN VETERANS.**

7 (a) PLAN TO IMPROVE SERVICES.—

8 (1) IN GENERAL.—The Secretary of Veterans
 9 Affairs shall develop a plan—

10 (A) to improve the provision of health care
 11 services to women veterans; and

12 (B) to plan appropriately for the future
 13 health care needs, including mental health care
 14 needs, of women serving on active duty in the
 15 Armed Forces in the combat theaters of Oper-
 16 ation Iraqi Freedom and Operation Enduring
 17 Freedom.

18 (2) REQUIRED ACTIONS.—In developing the
 19 plan required by this subsection, the Secretary of
 20 Veterans Affairs shall—

21 (A) identify the types of health care serv-
 22 ices to be available to women veterans at each
 23 Department of Veterans Affairs medical center;
 24 and

1 (B) identify the personnel and other re-
 2 sources required to provide such services to
 3 women veterans under the plan at each such
 4 medical center.

5 (b) SUBMITTAL OF PLAN TO CONGRESS.—Not later
 6 than 18 months after the date of the enactment of this
 7 Act, the Secretary of Veterans Affairs shall submit to the
 8 Committee on Veterans' Affairs of the Senate and the
 9 Committee on Veterans' Affairs of the House of Rep-
 10 resentatives the plan required by this section, along with
 11 such recommendations for administrative and legislative
 12 action as the Secretary considers appropriate in light of
 13 the plan.

14 **SEC. 303. INDEPENDENT STUDY ON HEALTH CON-**
 15 **SEQUENCES OF WOMEN VETERANS OF MILI-**
 16 **TARY SERVICE IN OPERATION IRAQI FREE-**
 17 **DOM AND OPERATION ENDURING FREEDOM.**

18 (a) STUDY REQUIRED.—The Secretary of Veterans
 19 Affairs shall enter into an agreement with a non-Depart-
 20 ment of Veterans Affairs entity for the purpose of con-
 21 ducting a study on health consequences for women vet-
 22 erans of service on active duty in the Armed Forces in
 23 deployment in Operation Iraqi Freedom and Operation
 24 Enduring Freedom.

1 (b) SPECIFIC MATTERS STUDIED.—The study under
2 subsection (a) shall include the following:

3 (1) A determination of any association of envi-
4 ronmental and occupational exposures and combat in
5 Operation Iraqi Freedom or Operation Enduring
6 Freedom with the general health, mental health, or
7 reproductive health of women who served on active
8 duty in the Armed Forces in Operation Iraqi Free-
9 dom or Operation Enduring Freedom.

10 (2) A review and analysis of published lit-
11 erature on environmental and occupational exposures
12 of women while serving in the Armed Forces, includ-
13 ing combat trauma, military sexual trauma, and ex-
14 posure to potential teratogens associated with repro-
15 ductive problems and birth defects.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after entering into the agreement for the study
19 under subsection (a), the entity described in sub-
20 section (a) shall submit to the Secretary of Veterans
21 Affairs and to Congress a report on the study con-
22 taining such findings and determinations as the enti-
23 ty considers appropriate.

24 (2) RESPONSIVE REPORT.—Not later than 90
25 days after the receipt of the report under paragraph

1 (1), the Secretary shall submit to Congress a report
 2 setting forth the response of the Secretary to the
 3 findings and determinations of the entity described
 4 in subsection (a) in the report under paragraph (1).

5 **SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL**
 6 **HEALTH CARE PROVIDERS ON CARE FOR**
 7 **VETERANS SUFFERING FROM SEXUAL TRAU-**
 8 **MA.**

9 (a) PROGRAM REQUIRED.—Section 1720D is amend-
 10 ed—

11 (1) by redesignating subsection (d) as sub-
 12 section (f); and

13 (2) by inserting after subsection (e) the fol-
 14 lowing new subsections:

15 “(d)(1) The Secretary shall implement a program for
 16 education, training, certification, and continuing medical
 17 education for mental health professionals to specialize in
 18 the provision of counseling and care to veterans eligible
 19 for services under subsection (a). In carrying out the pro-
 20 gram, the Secretary shall ensure that all such mental
 21 health professionals have been trained in a consistent
 22 manner and that such training includes principles of evi-
 23 dence-based treatment and care for sexual trauma.

24 “(2) The Secretary shall determine the minimum
 25 qualifications necessary for mental health professionals

1 certified by the program under paragraph (1) to provide
 2 evidence-based treatment and therapy to veterans eligible
 3 for services under subsection (a) in facilities of the De-
 4 partment.

5 “(e) The Secretary shall submit to Congress each
 6 year a report on the counseling, care, and services pro-
 7 vided to veterans under this section. Each report shall in-
 8 clude data for the preceding year with respect to the fol-
 9 lowing:

10 “(1) The number of mental health professionals
 11 and primary care providers who have been certified
 12 under the program under subsection (d); and the
 13 amount and nature of continuing medical education
 14 provided under such program to professionals and
 15 providers who have been so certified.

16 “(2) The number of women veterans who re-
 17 ceived counseling, care, and services under sub-
 18 section (a) from professionals and providers who
 19 have been trained or certified under the program
 20 under subsection (d).

21 “(3) The number of training, certification, and
 22 continuing medical education programs operating
 23 under subsection (d).

24 “(4) The number of trained full-time equivalent
 25 employees required in each facility of the Depart-

1 ment to meet the needs of veterans requiring treat-
2 ment and care for sexual trauma.

3 ~~“(5) Such other information as the Secretary~~
4 ~~considers appropriate.”.~~

5 (b) STANDARDS FOR PERSONNEL PROVIDING
6 TREATMENT FOR SEXUAL TRAUMA.—The Secretary of
7 Veterans Affairs shall establish education, training, cer-
8 tification, and staffing standards for Department of Vet-
9 erans Affairs health-care facilities for full-time equivalent
10 employees who are trained to provide treatment and care
11 to veterans for sexual trauma.

12 **SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT**
13 **SETTINGS FOR WOMEN VETERANS NEWLY**
14 **SEPARATED FROM SERVICE IN THE ARMED**
15 **FORCES.**

16 (a) PILOT PROGRAM REQUIRED.—

17 (1) IN GENERAL.—Commencing not later than
18 180 days after the date of the enactment of this Act,
19 the Secretary of Veterans Affairs shall carry out,
20 through the Readjustment Counseling Service of the
21 Veterans Health Administration, a pilot program to
22 evaluate the feasibility and advisability of providing
23 reintegration and readjustment services described in
24 subsection (b) in group retreat settings to women

1 veterans who are recently separated from service in
 2 the Armed Forces after a prolonged deployment.

3 ~~(2) PARTICIPATION AT ELECTION OF VET-~~
 4 ~~ERAN.~~—The participation of a veteran in the pilot
 5 program under this section shall be at the election
 6 of the veteran.

7 ~~(b) COVERED SERVICES.~~—The services provided to a
 8 woman veteran under the pilot program shall include the
 9 following:

10 ~~(1) Information on reintegration into the vet-~~
 11 ~~eran's family, employment, and community.~~

12 ~~(2) Financial counseling.~~

13 ~~(3) Occupational counseling.~~

14 ~~(4) Information and counseling on stress reduc-~~
 15 ~~tion.~~

16 ~~(5) Information and counseling on conflict reso-~~
 17 ~~lution.~~

18 ~~(6) Such other information and counseling as~~
 19 ~~the Secretary considers appropriate to assist a~~
 20 ~~woman veteran under the pilot program in reintegra-~~
 21 ~~tion into the veteran's family and community.~~

22 ~~(c) LOCATIONS.~~—The Secretary shall carry out the
 23 pilot program at not fewer than five locations selected by
 24 the Secretary for purposes of the pilot program.

1 (d) DURATION.—The pilot program shall be carried
 2 out during the two-year period beginning on the date of
 3 the commencement of the pilot program.

4 (e) REPORT.—Not later than 180 days after the com-
 5 pletion of the pilot program, the Secretary shall submit
 6 to Congress a report on the pilot program. The report
 7 shall contain the findings and conclusions of the Secretary
 8 as a result of the pilot program, and shall include such
 9 recommendations for the continuation or expansion of the
 10 pilot program as the Secretary considers appropriate.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary of Vet-
 13 erans Affairs for each of fiscal years 2010 and 2011,
 14 \$2,000,000 to carry out the pilot program.

15 **SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PRO-**
 16 **GRAM MANAGERS AT MEDICAL CENTERS.**

17 The Secretary shall, acting through the Under Sec-
 18 retary for Health, submit to Congress a report on employ-
 19 ment of full-time women veterans program managers at
 20 Department of Veterans Affairs medical centers to ensure
 21 that health care needs of women veterans are met. Such
 22 report should include an assessment of whether there is
 23 at least one full-time employee at each Department med-
 24 ical center who is a full-time women veterans program
 25 manager.

1 **SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
 2 **WOMEN RECENTLY SEPARATED FROM SERV-**
 3 **ICE IN THE ARMED FORCES.**

4 (a) ADVISORY COMMITTEE ON WOMEN VETERANS.—

5 Section 542(a)(2)(A) is amended—

6 (1) in clause (ii), by striking “and” at the end;

7 (2) in clause (iii), by striking the period at the
 8 end and inserting “; and”; and

9 (3) by inserting after clause (iii) the following
 10 new clause:

11 “(iv) women veterans who are recently sepa-
 12 rated from service in the Armed Forces.”.

13 (b) ADVISORY COMMITTEE ON MINORITY VET-
 14 ERANS.—Section 544(a)(2)(A) is amended—

15 (1) in clause (iii), by striking “and” at the end;

16 (2) in clause (iv), by striking the period at the
 17 end and inserting “; and”; and

18 (3) by inserting after clause (iv) the following
 19 new clause:

20 “(v) women veterans who are minority group
 21 members and are recently separated from service in
 22 the Armed Forces.”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to appointments made on or after
 25 the date of the enactment of this Act.

1 **SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE**
 2 **FOR CERTAIN VETERANS RECEIVING HEALTH**
 3 **CARE.**

4 (a) **PILOT PROGRAM REQUIRED.**—The Secretary of
 5 Veterans Affairs shall carry out a pilot program to assess
 6 the feasibility and advisability of providing, subject to sub-
 7 section (b), subsidies to qualified veterans described in
 8 subsection (c) to obtain child care so that such veterans
 9 can receive health care services described in such sub-
 10 section.

11 (b) **LIMITATION ON PERIOD OF PAYMENTS.**—A sub-
 12 sidy may only be provided to a qualified veteran under
 13 the pilot program for receipt of child care during the pe-
 14 riod that the qualified veteran—

15 (1) receives the types of health care services re-
 16 ferred to in subsection (c) at a facility of the De-
 17 partment; and

18 (2) requires to travel to and return from such
 19 facility for the receipt of such health care services.

20 (c) **QUALIFIED VETERANS.**—In this section, the term
 21 “qualified veteran” means a veteran who is the primary
 22 caretaker of a child or children and who is receiving from
 23 the Department one or more of the following health care
 24 services:

25 (1) Regular mental health care services.

26 (2) Intensive mental health care services.

1 ~~(3)~~ Such other intensive health care services
 2 that the Secretary determines that payment to the
 3 veteran for the provision of child care would improve
 4 access to those health care services by the veteran.

5 ~~(d)~~ LOCATIONS.—The Secretary shall carry out the
 6 pilot program in no fewer than three Veterans Integrated
 7 Service Networks (VISNs) selected by the Secretary for
 8 purposes of the pilot program.

9 ~~(e)~~ DURATION.—The pilot program shall be carried
 10 out during the two-year period beginning on the date of
 11 the commencement of the pilot program.

12 ~~(f)~~ EXISTING MODEL.—To the extent practicable, the
 13 Secretary shall model the pilot program after the Depart-
 14 ment of Veterans Affairs Child Care Subsidy Program
 15 that was established pursuant to section 630 of the Treas-
 16 ury and General Government Appropriations Act, 2002
 17 (Public Law 107–67; 115 Stat. 552), using the same in-
 18 come eligibility standards and payment structure.

19 ~~(g)~~ REPORT.—Not later than six months after the
 20 completion of the pilot program, the Secretary shall sub-
 21 mit to Congress a report on the pilot program. The report
 22 shall include the findings and conclusions of the Secretary
 23 as a result of the pilot program, and shall include such
 24 recommendations for the continuation or expansion of the
 25 pilot program as the Secretary considers appropriate.

1 (h) **AUTHORIZATION OF APPROPRIATIONS.**—There
 2 are authorized to be appropriated to the Secretary of Vet-
 3 erans Affairs for each of fiscal years 2010 and 2011,
 4 \$1,500,000 to carry out the pilot program.

5 **SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 6 **ERANS RECEIVING MATERNITY CARE.**

7 (a) **IN GENERAL.**—Subchapter VIII of chapter 17 is
 8 amended by adding at the end the following new section:

9 **“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN**
 10 **VETERANS RECEIVING MATERNITY CARE.**

11 “(a) **IN GENERAL.**—The Secretary may furnish
 12 health care services described in subsection (b) to a new-
 13 born child of a woman veteran who is receiving maternity
 14 care furnished by the Department for not more than 7
 15 days after the birth of the child if the veteran delivered
 16 the child in—

17 “(1) a facility of the Department; or

18 “(2) another facility pursuant to a Department
 19 contract for services relating to such delivery.

20 “(b) **COVERED HEALTH CARE SERVICES.**—Health
 21 care services described in this subsection are all post-deliv-
 22 ery care services, including routine care services, that a
 23 newborn requires.”.

24 (b) **CLERICAL AMENDMENT.**—The table of sections
 25 at the beginning of chapter 17 is amended by inserting

1 after the item relating to section 1785 the following new
 2 item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

3 **TITLE IV—MENTAL HEALTH** 4 **CARE**

5 **SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED**
 6 **FORCES WHO SERVE IN OPERATION IRAQI**
 7 **FREEDOM OR OPERATION ENDURING FREE-**
 8 **DOM FOR COUNSELING AND SERVICES**
 9 **THROUGH READJUSTMENT COUNSELING**
 10 **SERVICE.**

11 (a) **IN GENERAL.**—Any member of the Armed
 12 Forces, including a member of the National Guard or Re-
 13 serve, who serves on active duty in the Armed Forces in
 14 Operation Iraqi Freedom or Operation Enduring Freedom
 15 is eligible for readjustment counseling and related mental
 16 health services under section 1712A of title 38, United
 17 States Code, through the Readjustment Counseling Serv-
 18 ice of the Veterans Health Administration.

19 (b) **NO REQUIREMENT FOR CURRENT ACTIVE DUTY**
 20 **SERVICE.**—A member of the Armed Forces who meets the
 21 requirements for eligibility for counseling and services
 22 under subsection (a) is entitled to counseling and services
 23 under that subsection regardless of whether or not the
 24 member is currently on active duty in the Armed Forces

1 at the time of receipt of counseling and services under that
 2 subsection:

3 (c) ~~REGULATIONS.~~—The eligibility of members of the
 4 Armed Forces for counseling and services under sub-
 5 section (a) shall be subject to such regulations as the Sec-
 6 retary of Defense and the Secretary of Veterans Affairs
 7 shall jointly prescribe for purposes of this section:

8 (d) ~~SUBJECT TO AVAILABILITY OF APPROPRIA-~~
 9 ~~TIONS.~~—The provision of counseling and services under
 10 subsection (a) shall be subject to the availability of appro-
 11 priations for such purpose:

12 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 13 **MENT COUNSELING SERVICE TO PROVIDE**
 14 **REFERRAL AND OTHER ASSISTANCE UPON**
 15 **REQUEST TO FORMER MEMBERS OF THE**
 16 **ARMED FORCES NOT AUTHORIZED COUN-**
 17 **SELING.**

18 Section 1712A is amended—

19 (1) by redesignating subsections (c) through (f)
 20 as subsections (d) through (g), respectively; and

21 (2) by inserting after subsection (b) the fol-
 22 lowing new subsection (c):

23 “(c) Upon receipt of a request for counseling under
 24 this section from any individual who has been discharged
 25 or released from active military, naval, or air service but

1 who is not otherwise eligible for such counseling, the Sec-
 2 retary shall—

3 “(1) provide referral services to assist such in-
 4 dividual, to the maximum extent practicable, in ob-
 5 taining mental health care and services from sources
 6 outside the Department; and

7 “(2) if pertinent, advise such individual of such
 8 individual’s rights to apply to the appropriate mili-
 9 tary, naval, or air service, and to the Department,
 10 for review of such individual’s discharge or release
 11 from such service.”.

12 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

13 (a) **STUDY REQUIRED.**—The Secretary of Veterans
 14 Affairs shall conduct a study to determine the number of
 15 veterans who died by suicide between January 1, 1997,
 16 and the date of the enactment of this Act.

17 (b) **COORDINATION.**—In carrying out the study under
 18 subsection (b) the Secretary of Veterans Affairs shall co-
 19 ordinate with—

20 (1) the Secretary of Defense;

21 (2) Veterans Service Organizations;

22 (3) the Centers for Disease Control and Preven-
 23 tion; and

24 (4) State public health offices and veterans
 25 agencies.

1 (c) ~~REPORT TO CONGRESS.~~—The Secretary of Vet-
 2 erans Affairs shall submit to the Committee on Veterans'
 3 Affairs of the Senate and the Committee on Veterans' Af-
 4 fairs of the House of Representatives a report on the study
 5 required under subsection (b) and the findings of the Sec-
 6 retary.

7 (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 8 are authorized to be appropriated such sums as may be
 9 necessary to carry out this section.

10 **SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH**
 11 **AND HUMAN SERVICES FOR GRADUATE PSY-**
 12 **CHOLOGY EDUCATION PROGRAM.**

13 (a) ~~TRANSFER OF FUNDS.~~—Not later than Sep-
 14 tember 30, 2010, the Secretary of Veterans Affairs shall
 15 transfer \$5,000,000 from accounts of the Veterans Health
 16 Administration to the Secretary of Health and Human
 17 Services for the Graduate Psychology Education program
 18 established under section 755(b)(1)(J) of the Public
 19 Health Service Act (42 U.S.C. 294e(b)(1)(J)).

20 (b) ~~USE OF FUNDS TRANSFERRED.~~—Funds trans-
 21 ferred under subsection (a) shall be used to award grants
 22 to support the training of psychologists in the treatment
 23 of veterans with post traumatic stress disorder, traumatic
 24 brain injury, and other combat-related disorders.

1 (c) PREFERENCE FOR DEPARTMENT OF VETERANS
 2 AFFAIRS HEALTH CARE FACILITIES.—In the awarding of
 3 grants under subsection (b), the Graduate Psychology
 4 Education program shall give preference to health care fa-
 5 cilities of the Department of Veterans Affairs and grad-
 6 uate programs of education that are affiliated with such
 7 facilities.

8 **TITLE V—HOMELESS VETERANS**

9 **SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR**
 10 **ENTITIES THAT COORDINATE THE PROVI-**
 11 **SION OF SUPPORTIVE SERVICES TO FOR-**
 12 **MERLY HOMELESS VETERANS RESIDING ON**
 13 **CERTAIN MILITARY PROPERTY.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—Subject to the availability of
 16 appropriations for such purpose, the Secretary of
 17 Veterans Affairs may carry out a pilot program to
 18 make grants to public and nonprofit organizations
 19 (including faith-based and community organizations)
 20 to coordinate the provision of supportive services
 21 available in the local community to very low income,
 22 formerly homeless veterans residing in permanent
 23 housing that is located on qualifying property de-
 24 scribed in subsection (b).

1 ~~(2) NUMBER OF GRANTS.—The Secretary may~~
 2 ~~make grants at up to 10 qualifying properties under~~
 3 ~~the pilot program.~~

4 ~~(b) QUALIFYING PROPERTY.—Qualifying property~~
 5 ~~under the pilot program is property that—~~

6 ~~(1) was part of a military installation that was~~
 7 ~~closed in accordance with—~~

8 ~~(A) decisions made as part of the 2005~~
 9 ~~round of defense base closure and realignment~~
 10 ~~under the Defense Base Closure and Realign-~~
 11 ~~ment Act of 1990 (part A of title XXIX of~~
 12 ~~Public Law 101–510; 10 U.S.C. 2687 note);~~
 13 ~~and~~

14 ~~(B) subchapter III of chapter 5 of title 40,~~
 15 ~~United States Code; and~~

16 ~~(2) the Secretary of Defense determines, after~~
 17 ~~considering any redevelopment plans of any local re-~~
 18 ~~development authority relating to such property,~~
 19 ~~may be used to assist the homeless in accordance~~
 20 ~~with such redevelopment plan.~~

21 ~~(c) CRITERIA FOR GRANTS.—The Secretary shall~~
 22 ~~prescribe criteria and requirements for grants under this~~
 23 ~~section and shall publish such criteria and requirements~~
 24 ~~in the Federal Register.~~

1 (d) DURATION OF PROGRAM.—The authority of the
 2 Secretary to provide grants under a pilot program under
 3 this section shall cease on the date that is five years after
 4 the date of the commencement of the pilot program.

5 (e) VERY LOW INCOME DEFINED.—In this section,
 6 the term “very low income” has the meaning given that
 7 term in the Resident Characteristics Report issued annu-
 8 ally by the Department of Housing and Urban Develop-
 9 ment.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated from amounts made avail-
 12 able under the heading “General Operating Expenses”,
 13 not more than \$3,000,000 in each of fiscal years 2010
 14 through 2014 to carry out the purposes of this section.

15 **SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 16 **TITIES THAT COORDINATE THE PROVISION**
 17 **OF SUPPORTIVE SERVICES TO FORMERLY**
 18 **HOMELESS VETERANS RESIDING IN PERMA-**
 19 **NENT HOUSING.**

20 (a) ESTABLISHMENT OF PILOT PROGRAM.—

21 (1) IN GENERAL.—Subject to the availability of
 22 appropriations for such purpose, the Secretary of
 23 Veterans Affairs may carry out a pilot program to
 24 make grants to public and nonprofit organizations
 25 (including faith-based and community organizations)

1 to coordinate the provision of supportive services
2 available in the local community to very low income,
3 formerly homeless veterans residing in permanent
4 housing.

5 (2) NUMBER OF GRANTS.—The Secretary may
6 make grants at up to 10 qualifying properties under
7 the pilot program.

8 (b) QUALIFYING PROPERTY.—Qualifying property
9 under the pilot program is any property in the United
10 States on which permanent housing is provided or af-
11 forded to formerly homeless veterans, as determined by
12 the Secretary.

13 (c) CRITERIA FOR GRANTS.—The Secretary shall
14 prescribe criteria and requirements for grants under this
15 section and shall publish such criteria and requirements
16 in the Federal Register.

17 (d) DURATION OF PILOT PROGRAM.—The authority
18 of the Secretary to provide grants under a pilot program
19 under this section shall cease on the date that is five years
20 after the date of the commencement of the pilot program.

21 (e) VERY LOW INCOME DEFINED.—In this section,
22 the term “very low income” has the meaning given that
23 term in the Resident Characteristics Report issued annu-
24 ally by the Department of Housing and Urban Develop-
25 ment.

1 (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is
 2 authorized to be appropriated from amounts made avail-
 3 able under the heading “General Operating Expenses”,
 4 not more than \$3,000,000 in each of fiscal years 2010
 5 through 2014 to carry out the purposes of this section.

6 **SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 7 **TITIES THAT PROVIDE OUTREACH TO IN-**
 8 **FORM CERTAIN VETERANS ABOUT PENSION**
 9 **BENEFITS.**

10 (a) **AUTHORITY TO MAKE GRANTS.**—In addition to
 11 the outreach authority provided to the Secretary of Vet-
 12 erans Affairs by section 6303 of title 38, United States
 13 Code, the Secretary may carry out a pilot program to
 14 make grants to public and nonprofit organizations (includ-
 15 ing faith-based and community organizations) for services
 16 to provide outreach to inform low-income and elderly vet-
 17 erans and their spouses who reside in rural areas of bene-
 18 fits for which they may be eligible under chapter 15 of
 19 such title.

20 (b) **CRITERIA FOR GRANTS.**—The Secretary shall
 21 prescribe criteria and requirements for grants under this
 22 section and shall publish such criteria and requirements
 23 in the Federal Register.

24 (c) **DURATION OF PILOT PROGRAM.**—The authority
 25 of the Secretary to provide grants under a pilot program

1 under this section shall cease on the date that is five years
 2 after the date of the commencement of the pilot program.

3 (d) ~~AUTHORIZATION OF APPROPRIATIONS.—~~There is
 4 authorized to be appropriated from amounts made avail-
 5 able under the heading “General Operating Expenses”,
 6 not more than \$1,275,000 in each of fiscal years 2010
 7 through 2014 to carry out the purposes of this section.

8 **SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 9 **TITIES THAT PROVIDE TRANSPORTATION AS-**
 10 **SISTANCE, CHILD CARE ASSISTANCE, AND**
 11 **CLOTHING ASSISTANCE TO VETERANS ENTI-**
 12 **TLED TO A REHABILITATION PROGRAM.**

13 (a) ~~PILOT PROGRAM AUTHORIZED.—~~

14 (1) ~~IN GENERAL.—~~Subject to the availability of
 15 appropriations authorized under subsection (g), the
 16 Secretary of Veterans Affairs may carry out a pilot
 17 program to assess the feasibility and advisability of
 18 providing financial assistance to eligible entities to
 19 establish new programs or activities, or expand or
 20 modify existing programs or activities, to provide to
 21 each eligible transitioning individual who is entitled
 22 and eligible for a rehabilitation program under chap-
 23 ter 31 of title 38, United States Code, the following
 24 assistance:

1 (A) Transportation assistance to facilitate
2 such eligible transitioning individual's participa-
3 tion in such rehabilitation program or related
4 activity. Such assistance may include—

5 (i) providing transportation;

6 (ii) paying for or reimbursing trans-
7 portation costs; and

8 (iii) paying for or reimbursing other
9 transportation-related expenses (including
10 orientation on the use of transportation).

11 (B) Child care assistance to facilitate such
12 eligible transitioning individual's participation
13 in such rehabilitation program or related activ-
14 ity. Such assistance may include—

15 (i) child care services; or

16 (ii) reimbursement of expenses related
17 to child care.

18 (C) Clothing assistance, which may include
19 personal services in selecting, and payment of a
20 monetary allowance to cover the cost of pur-
21 chasing, clothing and accessories suitable for a
22 job interview or related activity consistent with
23 such eligible transitioning individual's participa-
24 tion in such rehabilitation program or related
25 activity.

1 ~~(2) ELIGIBLE TRANSITIONING INDIVIDUAL.—~~

2 For purposes of this section, an eligible transitioning
3 individual is a person—

4 ~~(A) described in section 3102 of title 38,~~
5 United States Code; or

6 ~~(B) who was separated or released from~~
7 active duty in the Armed Forces on or after Oc-
8 tober 1, 2006, because of a service-connected
9 disability.

10 ~~(b) DURATION OF PROGRAM.—~~The authority of the
11 Secretary to provide grants under a pilot program estab-
12 lished under subsection ~~(a)(1)~~ shall cease on the date that
13 is three years after the date of the commencement of the
14 pilot program.

15 ~~(c) GRANTS.—~~

16 ~~(1) IN GENERAL.—~~The Secretary of Veterans
17 Affairs shall carry out the pilot program through the
18 award of grants to eligible entities to establish new
19 programs or activities, or to expand or modify exist-
20 ing programs or activities, as described in subsection
21 ~~(a)(1)~~.

22 ~~(2) GRANT CRITERIA.—~~

23 ~~(A) IN GENERAL.—~~The Secretary shall es-
24 tablish criteria and requirements for grants
25 under the pilot program, including criteria for

1 eligible entities to receive such grants. The cri-
 2 teria established under this subparagraph shall
 3 include the following:

4 (i) Specification as to the kinds of
 5 projects or activities for which grants are
 6 available.

7 (ii) Specification as to the number of
 8 projects or activities for which grants are
 9 available.

10 (iii) Provisions to ensure that grants
 11 awarded under the pilot program do not
 12 result in duplication of ongoing services.

13 (B) PUBLICATION OF CRITERIA IN FED-
 14 ERAL REGISTER.—The Secretary shall publish
 15 the criteria and requirements established under
 16 subparagraph (A) in the Federal Register.

17 (3) FUNDING LIMITATION.—A grant under the
 18 pilot program may not be used to support the oper-
 19 ational costs of an eligible entity.

20 (d) ELIGIBLE ENTITIES.—For purposes of this sec-
 21 tion, an eligible entity is a public or nonprofit organization
 22 (including a faith-based or community organization)
 23 that—

1 (1) has the capacity to administer effectively a
2 grant under the pilot program, as determined by the
3 Secretary of Veterans Affairs;

4 (2) demonstrates that adequate financial sup-
5 port will be available to establish new programs or
6 activities, or to expand or modify existing programs
7 or activities, as described in subsection (a)(1) con-
8 sistent with the plans, specifications, and schedule
9 submitted by the applicant to the Secretary under
10 subsection (c)(2);

11 (3) agrees to meet the applicable criteria and
12 requirements established under subsection (c)(2) and
13 described in subsection (c)(2)(C); and

14 (4) has the capacity, as determined by the Sec-
15 retary, to meet the criteria and requirements de-
16 scribed in paragraph (3).

17 (c) SELECTION OF GRANT RECIPIENTS.—

18 (1) APPLICATION.—An eligible entity seeking a
19 grant under the pilot program shall submit to the
20 Secretary of Veterans Affairs an application therefor
21 in such form and in such manner as the Secretary
22 considers appropriate.

23 (2) ELEMENTS.—Each application submitted
24 under paragraph (1) shall include the following:

1 (A) The amount of the grant sought for
2 the project or activity.

3 (B) Plans, specifications, and the schedule
4 for implementation of the project or activity in
5 accordance with criteria and requirements pre-
6 scribed by the Secretary under subsection
7 (c)(2).

8 (C) An agreement—

9 (i) to provide the services for which
10 the grant is sought at locations accessible
11 to eligible transitioning individuals;

12 (ii) to ensure the confidentiality of
13 records maintained on eligible transitioning
14 individuals receiving services through the
15 pilot program; and

16 (iii) to establish such procedures for
17 fiscal control and fund accounting as may
18 be necessary to ensure proper disburse-
19 ment and accounting with respect to the
20 grant and to such payments as may be
21 made under this section.

22 (3) APPLICANT AGREEMENT.—The Secretary
23 may not select an eligible entity for a grant under
24 the pilot program unless the eligible entity agrees to
25 the provisions listed in paragraph (2)(C).

1 ~~(f) RECOVERY OF UNUSED GRANT AMOUNTS.—~~

2 ~~(1) IN GENERAL.—~~The United States shall be
 3 entitled to recover from a grant recipient under this
 4 section the total of all unused grant amounts made
 5 under this section to such recipient in connection
 6 with such program if such grant recipient—

7 ~~(A)~~ does not establish a program or activ-
 8 ity in accordance with this section; or

9 ~~(B)~~ ceases to furnish services under such
 10 a program for which the grant was made.

11 ~~(2) OBLIGATION.—~~Any amount recovered by
 12 the United States under paragraph ~~(1)~~ may be obli-
 13 gated by the Secretary of Veterans Affairs without
 14 fiscal year limitation to carry out provisions of this
 15 section.

16 ~~(3) LIMITATION ON RECOVERY.—~~An amount
 17 may not be recovered under paragraph ~~(1)(A)~~ as an
 18 unused grant amount before the end of the three-
 19 year period beginning on the date on which the
 20 grant is made.

21 ~~(g) AUTHORIZATION OF APPROPRIATIONS.—~~There is
 22 authorized to be appropriated from amounts made avail-
 23 able under the heading “General Operating Expenses”,
 24 not more than \$5,000,000 in each of fiscal years 2010
 25 through 2012 to carry out this section.

1 **SEC. 505. ASSESSMENT OF PILOT PROGRAMS.**

2 (a) **PROGRESS REPORTS.**—Not less than one year be-
3 fore the expiration of the authority to carry out a pilot
4 program authorized by sections 501 through 504, the Sec-
5 retary of Veterans Affairs shall submit to Congress a
6 progress report on such pilot program.

7 (b) **CONTENTS.**—Each progress report submitted for
8 a pilot program under subsection (a) shall include the fol-
9 lowing:

10 (1) The lessons learned by the Secretary of Vet-
11 erans Affairs with respect to such pilot program that
12 can be applied to other programs with similar pur-
13 poses.

14 (2) The recommendations of the Secretary on
15 whether to continue such pilot program.

16 (3) The number of veterans and dependents
17 served by such pilot program.

18 (4) An assessment of the quality of service pro-
19 vided to veterans and dependents under such pilot
20 program.

21 (5) The amount of funds provided to grant re-
22 cipients under such pilot program.

23 (6) The names of organizations that have re-
24 ceived grants under such pilot program.

1 **TITLE VI—NONPROFIT RE-**
 2 **SEARCH AND EDUCATION**
 3 **CORPORATIONS**

4 **SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF**
 5 **CORPORATIONS.**

6 (a) AUTHORIZATION OF MULTI-MEDICAL CENTER
 7 RESEARCH CORPORATIONS.—

8 (1) IN GENERAL.—Section 7361 is amended—

9 (A) by redesignating subsection (b) as sub-
 10 section (c); and

11 (B) by inserting after subsection (a) the
 12 following new subsection (b):

13 “(b)(1) Subject to paragraph (2), a corporation es-
 14 tablished under this subchapter may facilitate the conduct
 15 of research, education, or both at more than one medical
 16 center. Such a corporation shall be known as a ‘multi-med-
 17 ical center research corporation’.

18 “(2) The board of directors of a multi-medical center
 19 research corporation under this subsection shall include
 20 the official at each Department medical center concerned
 21 who is, or who carries out the responsibilities of, the med-
 22 ical center director of such center as specified in section
 23 7363(a)(1)(A)(i) of this title.

24 “(3) In facilitating the conduct of research, edu-
 25 cation, or both at more than one Department medical cen-

1 ter under this subchapter, a multi-medical center research
 2 corporation may administer receipts and expenditures re-
 3 lating to such research, education, or both, as applicable,
 4 performed at the Department medical centers concerned.”.

5 (2) EXPANSION OF EXISTING CORPORATIONS TO
 6 MULTI-MEDICAL CENTER RESEARCH CORPORA-
 7 TIONS.—Such section is further amended by adding
 8 at the end the following new subsection:

9 “(f) A corporation established under this subchapter
 10 may act as a multi-medical center research corporation
 11 under this subchapter in accordance with subsection (b)
 12 if—

13 “(1) the board of directors of the corporation
 14 approves a resolution permitting facilitation by the
 15 corporation of the conduct of research, education, or
 16 both at the other Department medical center or
 17 medical centers concerned; and

18 “(2) the Secretary approves the resolution of
 19 the corporation under paragraph (1).”.

20 (b) RESTATEMENT AND MODIFICATION OF AUTHORI-
 21 TIES ON APPLICABILITY OF STATE LAW.—

22 (1) IN GENERAL.—Section 7361, as amended
 23 by subsection (a) of this section, is further amended
 24 by inserting after subsection (b) the following new
 25 subsection (c):

1 “(e) Any corporation established under this sub-
 2 chapter shall be established in accordance with the non-
 3 profit corporation laws of the State in which the applicable
 4 Department medical center is located and shall, to the ex-
 5 tent not inconsistent with any Federal law, be subject to
 6 the laws of such State. In the case of any multi-medical
 7 center research corporation that facilitates the conduct of
 8 research, education, or both at Department medical cen-
 9 ters located in different States, the corporation shall be
 10 established in accordance with the nonprofit corporation
 11 laws of the State in which one of such Department medical
 12 centers is located.”.

13 (2) CONFORMING AMENDMENT.—Section 7365
 14 is repealed.

15 (c) CLARIFICATION OF STATUS OF CORPORATIONS.—
 16 Section 7361, as amended by this section, is further
 17 amended—

18 (1) in subsection (a), by striking the second
 19 sentence; and

20 (2) by inserting after subsection (c) the fol-
 21 lowing new subsection (d):

22 “(d)(1) Except as otherwise provided in this sub-
 23 chapter or under regulations prescribed by the Secretary,
 24 any corporation established under this subchapter, and its
 25 officers, directors, and employees, shall be required to

1 comply only with those Federal laws, regulations, and ex-
 2 ecutive orders and directives that apply generally to pri-
 3 vate nonprofit corporations.

4 “(2) A corporation under this subchapter is not—

5 “(A) owned or controlled by the United States;
 6 or

7 “(B) an agency or instrumentality of the
 8 United States.”.

9 (d) REINSTATEMENT OF REQUIREMENT FOR
 10 501(c)(3) STATUS OF CORPORATIONS.—Subsection (e) of
 11 section 7361, as redesignated by subsection (a)(1) of this
 12 section, is further amended by inserting “section
 13 501(c)(3) of” after “exempt from taxation under”.

14 **SEC. 602. CLARIFICATION OF PURPOSES OF CORPORA-**
 15 **TIONS.**

16 (a) CLARIFICATION OF PURPOSES.—Subsection (a)
 17 of section 7362 is amended—

18 (1) in the first sentence—

19 (A) by striking “Any corporation” and all
 20 that follows through “facilitate” and inserting
 21 “A corporation established under this sub-
 22 chapter shall be established to provide a flexible
 23 funding mechanism for the conduct of approved
 24 research and education at one or more Depart-

1 ment medical centers and to facilitate functions
2 related to the conduct of”; and

3 (B) by inserting before the period at the
4 end the following: “or centers”; and

5 (2) in the second sentence, by inserting “or cen-
6 ters” after “at the medical center”.

7 (b) MODIFICATION OF DEFINED TERM RELATING TO
8 EDUCATION AND TRAINING.—Subsection (b) of such sec-
9 tion is amended in the matter preceding paragraph (1)
10 by striking “the term ‘education and training’” and in-
11 serting “the term ‘education’ includes education and train-
12 ing and”.

13 (c) REPEAL OF ROLE OF CORPORATIONS WITH RE-
14 SPECT TO FELLOWSHIPS.—Paragraph (1) of subsection
15 (b) of such section is amended by striking the flush matter
16 following subparagraph (C):

17 (d) AVAILABILITY OF EDUCATION FOR FAMILIES OF
18 VETERAN PATIENTS.—Paragraph (2) of subsection (b) of
19 such section is amended by striking “to patients and to
20 the families” and inserting “and includes education and
21 training for patients and families”.

1 **SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS**
 2 **OF DIRECTORS OF CORPORATIONS.**

3 ~~(a) REQUIREMENTS FOR DEPARTMENT BOARD MEM-~~
 4 ~~BERS.—Paragraph (1) of section 7363(a) is amended to~~
 5 ~~read as follows:~~

6 ~~“(1) with respect to the Department medical~~
 7 ~~center—~~

8 ~~“(A)(i) the director (or directors of each~~
 9 ~~Department medical center, in the case of a~~
 10 ~~multi-medical center research corporation);~~

11 ~~“(ii) the chief of staff; and~~

12 ~~“(iii) as appropriate for the activities of~~
 13 ~~such corporation, the associate chief of staff for~~
 14 ~~research and the associate chief of staff for~~
 15 ~~education; or~~

16 ~~“(B) in the case of a Department medical~~
 17 ~~center at which one or more of the positions re-~~
 18 ~~ferred to in subparagraph (A) do not exist, the~~
 19 ~~official or officials who are responsible for ear-~~
 20 ~~rying out the responsibilities of such position or~~
 21 ~~positions at the Department medical center;~~
 22 ~~and”.~~

23 ~~(b) REQUIREMENTS FOR NON-DEPARTMENT BOARD~~
 24 ~~MEMBERS.—Paragraph (2) of such section is amended—~~

25 ~~(1) by inserting “not less than two” before~~
 26 ~~“members”; and~~

1 (2) by striking “and who” and all that follows
 2 through the period at the end and inserting “and
 3 who have backgrounds, or business, legal, financial,
 4 medical, or scientific expertise, of benefit to the op-
 5 erations of the corporation.”.

6 (c) CONFLICTS OF INTEREST.—Subsection (c) of sec-
 7 tion 7362 is amended by striking “, employed by, or have
 8 any other financial relationship with” and inserting “or
 9 employed by”.

10 **SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.**

11 (a) IN GENERAL.—Section 7364 is amended to read
 12 as follows:

13 **“§ 7364. General powers**

14 “(a) IN GENERAL.—(1) A corporation established
 15 under this subchapter may, solely to carry out the pur-
 16 poses of this subchapter—

17 “(A) accept, administer, retain, and spend
 18 funds derived from gifts, contributions, grants, fees,
 19 reimbursements, and bequests from individuals and
 20 public and private entities;

21 “(B) enter into contracts and agreements with
 22 individuals and public and private entities;

23 “(C) subject to paragraph (2), set fees for edu-
 24 cation and training facilitated under section 7362 of

1 this title, and receive, retain, administer, and spend
 2 funds in furtherance of such education and training;

3 ~~“(D) reimburse amounts to the applicable ap-~~
 4 ~~propriation account of the Department for the Office~~
 5 ~~of General Counsel for any expenses of that Office~~
 6 ~~in providing legal services attributable to research~~
 7 ~~and education agreements under this subchapter;~~
 8 ~~and~~

9 ~~“(E) employ such employees as the corporation~~
 10 ~~considers necessary for such purposes and fix the~~
 11 ~~compensation of such employees.~~

12 ~~“(2) Fees charged under paragraph (1)(C) for edu-~~
 13 ~~cation and training described in that paragraph to individ-~~
 14 ~~uals who are officers or employees of the Department may~~
 15 ~~not be paid for by any funds appropriated to the Depart-~~
 16 ~~ment.~~

17 ~~“(3) Amounts reimbursed to the Office of General~~
 18 ~~Counsel under paragraph (1)(D) shall be available for use~~
 19 ~~by the Office of the General Counsel only for staff and~~
 20 ~~training, and related travel, for the provision of legal serv-~~
 21 ~~ices described in that paragraph and shall remain available~~
 22 ~~for such use without fiscal year limitation.~~

23 ~~“(b) TRANSFER AND ADMINISTRATION OF FUNDS.—~~
 24 ~~(1) Except as provided in paragraph (2), any funds re-~~
 25 ~~ceived by the Secretary for the conduct of research or edu-~~

1 cation at a Department medical center or centers; other
 2 than funds appropriated to the Department, may be trans-
 3 ferred to and administered by a corporation established
 4 under this subchapter for such purposes.

5 “(2) A Department medical center may reimburse the
 6 corporation for all or a portion of the pay, benefits, or
 7 both of an employee of the corporation who is assigned
 8 to the Department medical center if the assignment is ear-
 9 nered out pursuant to subchapter VI of chapter 33 of title
 10 5.

11 “(3) A Department medical center may retain and
 12 use funds provided to it by a corporation established under
 13 this subchapter. Such funds shall be credited to the appli-
 14 cable appropriation account of the Department and shall
 15 be available, without fiscal year limitation, for the pur-
 16 poses of that account.

17 “(e) RESEARCH PROJECTS.—Except for reasonable
 18 and usual preliminary costs for project planning before its
 19 approval, a corporation established under this subchapter
 20 may not spend funds for a research project unless the
 21 project is approved in accordance with procedures pre-
 22 scribed by the Under Secretary for Health for research
 23 carried out with Department funds. Such procedures shall
 24 include a scientific review process.

1 “(d) EDUCATION ACTIVITIES.—Except for reason-
 2 able and usual preliminary costs for activity planning be-
 3 fore its approval, a corporation established under this sub-
 4 chapter may not spend funds for an education activity un-
 5 less the activity is approved in accordance with procedures
 6 prescribed by the Under Secretary for Health.

7 “(e) POLICIES AND PROCEDURES.—The Under Sec-
 8 retary for Health may prescribe policies and procedures
 9 to guide the spending of funds by corporations established
 10 under this subchapter that are consistent with the purpose
 11 of such corporations as flexible funding mechanisms and
 12 with Federal and State laws and regulations, and execu-
 13 tive orders, circulars, and directives that apply generally
 14 to the receipt and expenditure of funds by nonprofit orga-
 15 nizations exempt from taxation under section 501(c)(3) of
 16 the Internal Revenue Code of 1986.”.

17 (b) CONFORMING AMENDMENT.—Section 7362(a), as
 18 amended by section 602(a)(1) of this Act, is further
 19 amended by striking the last sentence.

20 **SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 21 **UNITED STATES CODE.**

22 (a) REDESIGNATION.—Section 7364A is redesignated
 23 as section 7365.

24 (b) CLERICAL AMENDMENTS.—The table of sections
 25 at the beginning of chapter 73 is amended—

1 (1) by striking the item relating to section
2 7364A; and

3 (2) by striking the item relating to section 7365
4 and inserting the following new item:

“7365. Coverage of employees under certain Federal tort claims laws.”.

5 **SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
6 **CORPORATIONS.**

7 (a) ~~ADDITIONAL INFORMATION IN ANNUAL RE-~~
8 ~~PORTS.~~—Subsection (b) of section 7366 is amended to
9 read as follows:

10 “~~(b)(1)~~ Each corporation shall submit to the Sec-
11 retary each year a report providing a detailed statement
12 of the operations, activities, and accomplishments of the
13 corporation during that year.

14 “~~(2)(A)~~ A corporation with revenues in excess of
15 \$300,000 for any year shall obtain an audit of the cor-
16 poration for that year.

17 “~~(B)~~ A corporation with annual revenues between
18 \$10,000 and \$300,000 shall obtain an audit of the cor-
19 poration at least once every three years.

20 “~~(C)~~ Any audit under this paragraph shall be per-
21 formed by an independent auditor.

22 “~~(3)~~ The corporation shall include in each report to
23 the Secretary under paragraph (1) the following:

24 “~~(A)~~ The most recent audit of the corporation
25 under paragraph (2).

1 “(B) The most recent Internal Revenue Service
2 Form 990 ‘Return of Organization Exempt from In-
3 come Tax’ or equivalent and the applicable schedules
4 under such form.”.

5 (b) CONFIRMATION OF APPLICATION OF CONFLICT
6 OF INTEREST REGULATIONS TO APPROPRIATE CORPORA-
7 TION POSITIONS.—Subsection (c) of such section is
8 amended—

9 (1) by striking “laws and” each place it ap-
10 pears;

11 (2) in paragraph (1)—

12 (A) by inserting “each officer and” after
13 “under this subchapter,”; and

14 (B) by striking “, and each employee of
15 the Department” and all that follows through
16 “during any year”; and

17 (3) in paragraph (2)—

18 (A) by inserting “, officer,” after
19 “verifying that each director”; and

20 (B) by striking “in the same manner” and
21 all that follows before the period at the end.

22 (c) ESTABLISHMENT OF APPROPRIATE PAYEE RE-
23 PORTING THRESHOLD.—Subsection (d)(3)(C) of such sec-
24 tion is amended by striking “\$35,000” and inserting
25 “\$50,000”.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

“(A) enforce Federal laws;

“(B) enforce the rules prescribed under section 901 of this title;

“(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

“(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

1 “(E) conduct investigations, on and off
 2 Department property, of offenses that may have
 3 been committed on property under the original
 4 jurisdiction of Department, consistent with
 5 agreements or other consultation with affected
 6 local, State, or Federal law enforcement agen-
 7 cies; and

8 “(F) carry out, as needed and appropriate,
 9 the duties described in subparagraphs (A)
 10 through (E) of this paragraph when engaged in
 11 duties authorized by other Federal statutes.”;

12 (B) by striking paragraph (2) and redesign-
 13 ating paragraph (3) as paragraph (2); and

14 (C) in paragraph (2), as redesignated by
 15 subparagraph (B) of this paragraph, by insert-
 16 ing “, and on any arrest warrant issued by
 17 competent judicial authority” before the period;
 18 and

19 (2) by amending subsection (c) to read as fol-
 20 lows:

21 “(c) The powers granted to Department police offi-
 22 cers designated under this section shall be exercised in ac-
 23 cordance with guidelines approved by the Secretary and
 24 the Attorney General.”.

1 **SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF**
 2 **VETERANS AFFAIRS POLICE OFFICERS.**

3 Section 903 is amended—

4 (1) by amending subsection (b) to read as fol-
 5 lows:

6 “(b)(1) The amount of the allowance that the Sec-
 7 retary may pay under this section is the lesser of—

8 “(A) the amount currently allowed as pre-
 9 scribed by the Office of Personnel Management; or

10 “(B) estimated costs or actual costs as deter-
 11 mined by periodic surveys conducted by the Depart-
 12 ment.

13 “(2) During any fiscal year no officer shall receive
 14 more for the purchase of a uniform described in subsection
 15 (a) than the amount established under this subsection.”;
 16 and

17 (2) by striking subsection (c) and inserting the
 18 following new subsection (c):

19 “(c) The allowance established under subsection (b)
 20 shall be paid at the beginning of a Department police offi-
 21 cer’s employment for those appointed on or after October
 22 1, 2008. In the case of any other Department police offi-
 23 cer, an allowance in the amount established under sub-
 24 section (b) shall be paid upon the request of the officer.”.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 3 *erans Health Care Authorization Act of 2009”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.

*Sec. 102. Limitations on overtime duty, weekend duty, and alternative work
schedules for nurses.*

Sec. 103. Improvements to certain educational assistance programs.

*Sec. 104. Standards for appointment and practice of physicians in Department
of Veterans Affairs medical facilities.*

TITLE II—HEALTH CARE MATTERS

Sec. 201. Repeal of certain annual reporting requirements.

Sec. 202. Modifications to annual Gulf War research report.

Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.

Sec. 204. Disclosures from certain medical records.

*Sec. 205. Disclosure to Secretary of health-plan contract information and social
security number of certain veterans receiving care.*

Sec. 206. Enhancement of quality management.

*Sec. 207. Reports on improvements to Department health care quality manage-
ment.*

*Sec. 208. Pilot program on use of community-based organizations and local and
State government entities to ensure that veterans receive care
and benefits for which they are eligible.*

Sec. 209. Specialized residential care and rehabilitation for certain veterans.

*Sec. 210. Expanded study on the health impact of Project Shipboard Hazard and
Defense.*

*Sec. 211. Use of non-Department facilities for rehabilitation of individuals with
traumatic brain injury.*

*Sec. 212. Inclusion of federally recognized tribal organizations in certain pro-
grams for State veterans homes.*

*Sec. 213. Pilot program on provision of dental insurance plans to veterans and
survivors and dependents of veterans.*

TITLE III—WOMEN VETERANS HEALTH CARE MATTERS

Sec. 301. Report on barriers to receipt of health care for women veterans.

Sec. 302. Plan to improve provision of health care services to women veterans.

*Sec. 303. Independent study on health consequences of women veterans of military
service in Operation Iraqi Freedom and Operation Enduring
Freedom.*

*Sec. 304. Training and certification for mental health care providers on care for
veterans suffering from sexual trauma.*

- Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.*
- Sec. 306. Report on full-time women veterans program managers at medical centers.*
- Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.*
- Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.*
- Sec. 309. Care for newborn children of women veterans receiving maternity care.*

TITLE IV—MENTAL HEALTH CARE MATTERS

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.*
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.*
- Sec. 403. Study on suicides among veterans.*
- Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.*

TITLE V—HOMELESS VETERANS MATTERS

- Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.*
- Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.*
- Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.*
- Sec. 504. Assessment of pilot programs.*

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 601. General authorities on establishment of corporations.*
- Sec. 602. Clarification of purposes of corporations.*
- Sec. 603. Modification of requirements for boards of directors of corporations.*
- Sec. 604. Clarification of powers of corporations.*
- Sec. 605. Redesignation of section 7364A of title 38, United States Code.*
- Sec. 606. Improved accountability and oversight of corporations.*

TITLE VII—OTHER MATTERS

- Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.*
- Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.*

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

- 2** *Except as otherwise expressly provided, whenever in*
- 3** *this Act an amendment or repeal is expressed in terms of*
- 4** *an amendment or repeal to a section or other provision,*

1 *the reference shall be considered to be made to a section or*
 2 *other provision of title 38, United States Code.*

3 ***TITLE I—DEPARTMENT***
 4 ***PERSONNEL MATTERS***

5 ***SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETEN-***
 6 ***TION OF MEDICAL PROFESSIONALS.***

7 *(a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38*
 8 *STATUS TO ADDITIONAL POSITIONS.—*

9 *(1) IN GENERAL.—Paragraph (3) of section 7401*
 10 *is amended by striking “and blind rehabilitation out-*
 11 *patient specialists.” and inserting the following:*
 12 *“blind rehabilitation outpatient specialists, and such*
 13 *other classes of health care occupations as the Sec-*
 14 *retary considers necessary for the recruitment and re-*
 15 *tention needs of the Department subject to the fol-*
 16 *lowing requirements:*

17 *“(A) Such other classes of health care occu-*
 18 *pations—*

19 *“(i) are not occupations relating to ad-*
 20 *ministrative, clerical, or physical plant*
 21 *maintenance and protective services;*

22 *“(ii) that would otherwise receive basic*
 23 *pay in accordance with the General Sched-*
 24 *ule under section 5332 of title 5;*

1 “(iii) provide, as determined by the
 2 Secretary, direct patient care services or
 3 services incident to direct patient services;
 4 and

5 “(iv) would not otherwise be available
 6 to provide medical care or treatment for
 7 veterans.

8 “(B) Not later than 45 days before the Sec-
 9 retary appoints any personnel for a class of
 10 health care occupations that is not specifically
 11 listed in this paragraph, the Secretary shall sub-
 12 mit to the Committee on Veterans’ Affairs of the
 13 Senate, the Committee on Veterans’ Affairs of the
 14 House of Representatives, and the Office of Man-
 15 agement and Budget notice of such appointment.

16 “(C) Before submitting notice under sub-
 17 paragraph (B), the Secretary shall solicit com-
 18 ments from any labor organization representing
 19 employees in such class and include such com-
 20 ments in such notice.”.

21 (2) APPOINTMENT OF NURSE ASSISTANTS.—Such
 22 paragraph is further amended by inserting “nurse as-
 23 sistants,” after “licensed practical or vocational
 24 nurses,”.

1 (b) *PROBATIONARY PERIODS FOR REGISTERED*
 2 *NURSES.*—Section 7403(b) is amended—

3 (1) *in paragraph (1), by striking “Appoint-*
 4 *ments” and inserting “Except as otherwise provided*
 5 *in this subsection, appointments”;*

6 (2) *by redesignating paragraph (2) as para-*
 7 *graph (4); and*

8 (3) *by inserting after paragraph (1) the fol-*
 9 *lowing new paragraphs:*

10 “(2) *With respect to the appointment of a registered*
 11 *nurse under this chapter, paragraph (1) shall apply with*
 12 *respect to such appointment regardless of whether such ap-*
 13 *pointment is on a full-time basis or a part-time basis.*

14 “(3) *An appointment described in subsection (a) on*
 15 *a part-time basis of a person who has previously served on*
 16 *a full-time basis for the probationary period for the position*
 17 *concerned shall be without a probationary period.”.*

18 (c) *PROHIBITION ON TEMPORARY PART-TIME REG-*
 19 *ISTERED NURSE APPOINTMENTS IN EXCESS OF TWO*
 20 *YEARS.*—Section 7405 is amended by adding at the end
 21 *the following new subsection:*

22 “(g)(1) *Except as provided in paragraph (3), employ-*
 23 *ment of a registered nurse on a temporary part-time basis*
 24 *under subsection (a)(1) shall be for a probationary period*
 25 *of two years.*

1 “(2) *Except as provided in paragraph (3), upon com-*
 2 *pletion by a registered nurse of the probationary period de-*
 3 *scribed in paragraph (1)—*

4 “(A) *the employment of such nurse shall—*

5 “(i) *no longer be considered temporary; and*

6 “(ii) *be considered an appointment de-*
 7 *scribed in section 7403(a) of this title; and*

8 “(B) *the nurse shall be considered to have served*
 9 *the probationary period required by section 7403(b).*

10 “(3) *This subsection shall not apply to appointments*
 11 *made on a term limited basis of less than or equal to three*
 12 *years of—*

13 “(A) *nurses with a part-time appointment re-*
 14 *sulting from an academic affiliation or teaching posi-*
 15 *tion in a nursing academy of the Department;*

16 “(B) *nurses appointed as a result of a specific*
 17 *research proposal or grant; or*

18 “(C) *nurses who are not citizens of the United*
 19 *States and appointed under section 7407(a) of this*
 20 *title.”.*

21 (d) *WAIVER OF OFFSET FROM PAY FOR CERTAIN RE-*
 22 *EMPLOYED ANNUITANTS.—*

23 (1) *IN GENERAL.—Section 7405, as amended by*
 24 *subsection (c), is further amended by adding at the*
 25 *end the following new subsection:*

1 “(h)(1) *The Secretary may waive the application of*
 2 *sections 8344 and 8468 of title 5 (relating to annuities and*
 3 *pay on reemployment) or any other similar provision of*
 4 *law under a Government retirement system on a case-by-*
 5 *case basis for an annuitant reemployed on a temporary*
 6 *basis under the authority of subsection (a) in a position*
 7 *described under paragraph (1) of that subsection.*

8 “(2) *An annuitant to whom a waiver under paragraph*
 9 *(1) is in effect shall not be considered an employee for pur-*
 10 *poses of any Government retirement system.*

11 “(3) *An annuitant to whom a waiver under paragraph*
 12 *(1) is in effect shall be subject to the provisions of chapter*
 13 *71 of title 5 (including all labor authority and labor rep-*
 14 *resentative collective bargaining agreements) applicable to*
 15 *the position to which appointed.*

16 “(4) *In this subsection:*

17 “(A) *The term ‘annuitant’ means an annuitant*
 18 *under a Government retirement system.*

19 “(B) *The term ‘employee’ has the meaning under*
 20 *section 2105 of title 5.*

21 “(C) *The term ‘Government retirement system’*
 22 *means a retirement system established by law for em-*
 23 *ployees of the Government of the United States.”.*

24 (2) *EFFECTIVE DATE.—The amendment made by*
 25 *paragraph (1) shall take effect on the date that is 180*

1 *days after the date of the enactment of this Act, and*
 2 *shall apply to pay periods beginning on or after such*
 3 *effective date.*

4 *(e) RATE OF BASIC PAY FOR APPOINTEES TO THE OF-*
 5 *FICE OF THE UNDER SECRETARY FOR HEALTH SET TO*
 6 *RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE PO-*
 7 *SITIONS.—*

8 *(1) IN GENERAL.—Section 7404(a) is amended—*

9 *(A) by striking “The annual” and inserting*
 10 *“(1) The annual”;*

11 *(B) by striking “The pay” and inserting the*
 12 *following:*

13 *“(2) The pay”;*

14 *(C) by striking “under the preceding sen-*
 15 *tence” and inserting “under paragraph (1)”;*
 16 *and*

17 *(D) by adding at the end the following new*
 18 *paragraph:*

19 *“(3)(A) The rate of basic pay for a position to which*
 20 *an Executive order applies under paragraph (1) and is not*
 21 *described by paragraph (2) shall be set in accordance with*
 22 *section 5382 of title 5 as if such position were a Senior*
 23 *Executive Service position (as such term is defined in sec-*
 24 *tion 3132(a) of title 5).*

1 “(B) A rate of basic pay for a position may not be
2 set under subparagraph (A) in excess of—

3 “(i) in the case the position is not described in
4 clause (ii), the rate of basic pay payable for level III
5 of the Executive Schedule; or

6 “(ii) in the case that the position is covered by
7 a performance appraisal system that meets the certifi-
8 cation criteria established by regulation under section
9 5307(d) of title 5, the rate of basic pay payable for
10 level II of the Executive Schedule.

11 “(C) Notwithstanding the provisions of subsection (d)
12 of section 5307 of title 5, the Secretary may make any cer-
13 tification under that subsection instead of the Office of Per-
14 sonnel Management and without concurrence of the Office
15 of Management and Budget.”.

16 (2) *EFFECTIVE DATE.*—The amendments made
17 by paragraph (1) shall take effect on the first day of
18 the first pay period beginning after the day that is
19 180 days after the date of the enactment of this Act.

20 (f) *SPECIAL INCENTIVE PAY FOR DEPARTMENT PHAR-*
21 *MACIST EXECUTIVES.*—Section 7410 is amended—

22 (1) by striking “The Secretary may” and insert-
23 ing the following:

24 “(a) *IN GENERAL.*—The Secretary may”; and

1 (2) *by adding at the end the following new sub-*
 2 *section:*

3 “(b) *SPECIAL INCENTIVE PAY FOR DEPARTMENT*
 4 *PHARMACIST EXECUTIVES.*—(1) *In order to recruit and re-*
 5 *tain highly qualified Department pharmacist executives, the*
 6 *Secretary may authorize the Under Secretary for Health*
 7 *to pay special incentive pay of not more than \$40,000 per*
 8 *year to an individual of the Veterans Health Administra-*
 9 *tion who is a pharmacist executive.*

10 “(2) *In determining whether and how much special*
 11 *pay to provide to such individual, the Under Secretary*
 12 *shall consider the following:*

13 “(A) *The grade and step of the position of the in-*
 14 *dividual.*

15 “(B) *The scope and complexity of the position of*
 16 *the individual.*

17 “(C) *The personal qualifications of the indi-*
 18 *vidual.*

19 “(D) *The characteristics of the labor market con-*
 20 *cerned.*

21 “(E) *Such other factors as the Secretary con-*
 22 *siders appropriate.*

23 “(3) *Special incentive pay under paragraph (1) for*
 24 *an individual is in addition to all other pay (including*

1 basic pay) and allowances to which the individual is enti-
2 tled.

3 “(4) Except as provided in paragraph (5), special in-
4 centive pay under paragraph (1) for an individual shall
5 be considered basic pay for all purposes, including retire-
6 ment benefits under chapters 83 and 84 of title 5, and other
7 benefits.

8 “(5) Special incentive pay under paragraph (1) for
9 an individual shall not be considered basic pay for purposes
10 of adverse actions under subchapter V of this chapter.

11 “(6) Special incentive pay under paragraph (1) may
12 not be awarded to an individual in an amount that would
13 result in an aggregate amount of pay (including bonuses
14 and awards) received by such individual in a year under
15 this title that is greater than the annual pay of the Presi-
16 dent.”.

17 (g) PAY FOR PHYSICIANS AND DENTISTS.—

18 (1) NON-FOREIGN COST OF LIVING ADJUSTMENT
19 ALLOWANCE.—Section 7431(b) is amended by adding
20 at the end the following new paragraph:

21 “(5) The non-foreign cost of living adjustment
22 allowance authorized under section 5941 of title 5 for
23 physicians and dentists whose pay is set under this
24 section shall be determined as a percentage of base
25 pay only.”.

1 (2) *MARKET PAY DETERMINATIONS FOR PHYSI-*
 2 *CANS AND DENTISTS IN ADMINISTRATIVE OR EXECU-*
 3 *TIVE LEADERSHIP POSITIONS.*—Section
 4 7431(c)(4)(B)(i) is amended by adding at the end the
 5 following: “The Secretary may exempt physicians and
 6 dentists occupying administrative or executive leader-
 7 ship positions from the requirements of the previous
 8 sentence.”.

9 (3) *EXCEPTION TO PROHIBITION ON REDUCTION*
 10 *OF MARKET PAY.*—Section 7431(c)(7) is amended by
 11 striking “concerned.” and inserting “concerned, un-
 12 less there is a change in board certification or reduc-
 13 tion of privileges.”.

14 (h) *ADJUSTMENT OF PAY CAP FOR NURSES.*—Section
 15 7451(c)(2) is amended by striking “level V” and inserting
 16 “level IV”.

17 (i) *EXEMPTION FOR CERTIFIED REGISTERED NURSE*
 18 *ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-*
 19 *PETITIVE PAY.*—Section 7451(c)(2) is further amended by
 20 adding at the end the following new sentence: “The max-
 21 imum rate of basic pay for a grade for the position of cer-
 22 tified registered nurse anesthetist pursuant to an adjust-
 23 ment under subsection (d) may exceed the maximum rate
 24 otherwise provided in the preceding sentence.”.

1 (j) *INCREASED LIMITATION ON SPECIAL PAY FOR*
 2 *NURSE EXECUTIVES.*—Section 7452(g)(2) is amended by
 3 striking “\$25,000” and inserting “\$100,000”.

4 (k) *LOCALITY PAY SCALE COMPUTATIONS.*—

5 (1) *EDUCATION, TRAINING, AND SUPPORT FOR*
 6 *FACILITY DIRECTORS IN WAGE SURVEYS.*—Section
 7 7451(d)(3) is amended by adding at the end the fol-
 8 lowing new subparagraph:

9 “(F) The Under Secretary for Health shall provide ap-
 10 propriate education, training, and support to directors of
 11 Department health care facilities in the conduct and use
 12 of surveys, including the use of third-party surveys, under
 13 this paragraph.”.

14 (2) *INFORMATION ON METHODOLOGY USED IN*
 15 *WAGE SURVEYS.*—Section 7451(e)(4) is amended—

16 (A) by redesignating subparagraph (D) as
 17 subparagraph (E); and

18 (B) by inserting after subparagraph (C) the
 19 following new subparagraph (D):

20 “(D) In any case in which the director conducts
 21 such a wage survey during the period covered by the
 22 report and makes adjustment in rates of basic pay
 23 applicable to one or more covered positions at the fa-
 24 cility, information on the methodology used in mak-
 25 ing such adjustment or adjustments.”.

1 (3) *DISCLOSURE OF INFORMATION TO PERSONS*
 2 *IN COVERED POSITIONS.*—Section 7451(e), as amend-
 3 ed by paragraph (2) of this subsection, is further
 4 amended by adding at the end the following new
 5 paragraph:

6 “(6)(A) Upon the request of an individual described
 7 in subparagraph (B) for a report provided under para-
 8 graph (4) with respect to a Department health-care facility,
 9 the Under Secretary for Health or the director of such facil-
 10 ity shall provide to the individual the most current report
 11 for such facility provided under such paragraph.

12 “(B) An individual described in this subparagraph
 13 is—

14 “(i) an individual in a covered position at a De-
 15 partment health-care facility; or

16 “(ii) a representative of the labor organization
 17 representing that individual who is designated by
 18 that individual to make the request.”.

19 (4) *ELIGIBILITY OF PART-TIME NURSES FOR ADDI-*
 20 *TIONAL NURSE PAY.*—

21 (1) *IN GENERAL.*—Section 7453 is amended—

22 (A) in subsection (a), by striking “a nurse”
 23 and inserting “a full-time nurse or part-time
 24 nurse”;

25 (B) in subsection (b)—

1 (i) *in the first sentence—*

2 (I) *by striking “on a tour of*
3 *duty”;*

4 (II) *by striking “service on such*
5 *tour” and inserting “such service”;*
6 *and*

7 (III) *by striking “of such tour”*
8 *and inserting “of such service”; and*

9 (ii) *in the second sentence, by striking*
10 *“of such tour” and inserting “of such serv-*
11 *ice”;*

12 (C) *in subsection (c)—*

13 (i) *by striking “on a tour of duty”;*
14 *and*

15 (ii) *by striking “service on such tour”*
16 *and inserting “such service”; and*

17 (D) *in subsection (e)—*

18 (i) *in paragraph (1), by striking*
19 *“eight hours in a day” and inserting “eight*
20 *consecutive hours”; and*

21 (ii) *in paragraph (5)(A), by striking*
22 *“tour of duty” and inserting “period of*
23 *service”.*

24 (2) *EXCLUSION OF APPLICATION OF ADDITIONAL*
25 *NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EM-*

1 *PLOYEES.—Paragraph (3) of section 7454(b) is*
 2 *amended to read as follows:*

3 *“(3) Employees appointed under section 7408 of this*
 4 *title performing service on a tour of duty, any part of which*
 5 *is within the period commencing at midnight Friday and*
 6 *ending at midnight Sunday, shall receive additional pay*
 7 *in addition to the rate of basic pay provided such employees*
 8 *for each hour of service on such tour at a rate equal to*
 9 *25 percent of such employee’s hourly rate of basic pay.”.*

10 *(m) ENHANCED AUTHORITY TO INCREASE RATES OF*
 11 *BASIC PAY TO OBTAIN OR RETAIN SERVICES OF CERTAIN*
 12 *PERSONS.—Section 7455(c) is amended to read as follows:*

13 *“(c)(1) Subject to paragraph (2), the amount of any*
 14 *increase under subsection (a) in the minimum rate for any*
 15 *grade may not (except in the case of nurse anesthetists, li-*
 16 *censed practical nurses, licensed vocational nurses, nursing*
 17 *positions otherwise covered by title 5, pharmacists, and li-*
 18 *censed physical therapists) exceed the maximum rate of*
 19 *basic pay (excluding any locality-based comparability pay-*
 20 *ment under section 5304 of title 5 or similar provision of*
 21 *law) for the grade or level by more than 30 percent.*

22 *“(2) No rate may be established under this section in*
 23 *excess of the rate of basic pay payable for level IV of the*
 24 *Executive Schedule.”.*

1 **SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 2 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 3 **FOR NURSES.**

4 (a) *OVERTIME DUTY.*—

5 (1) *IN GENERAL.*—Subchapter IV of chapter 74
 6 is amended by adding at the end the following new
 7 section:

8 **“§ 7459. Nursing staff: special rules for overtime duty**

9 “(a) *LIMITATION.*—Except as provided in subsection
 10 (c), the Secretary may not require nursing staff to work
 11 more than 40 hours (or 24 hours if such staff is covered
 12 under section 7456 of this title) in an administrative work
 13 week or more than eight consecutive hours (or 12 hours if
 14 such staff is covered under section 7456 or 7456A of this
 15 title).

16 “(b) *VOLUNTARY OVERTIME.*—(1) Nursing staff may
 17 on a voluntary basis elect to work hours otherwise prohib-
 18 ited by subsection (a).

19 “(2) The refusal of nursing staff to work hours prohib-
 20 ited by subsection (a) shall not be grounds to discriminate
 21 (within the meaning of section 704(a) of the Civil Rights
 22 Act of 1964 (42 U.S.C. 2000e-3(a))) against the staff, dis-
 23 missal or discharge of the staff, or any other adverse per-
 24 sonnel action against the staff.

25 “(c) *OVERTIME UNDER EMERGENCY CIR-*
 26 *CUMSTANCES.*—(1) Subject to paragraph (2), the Secretary

1 *may require nursing staff to work hours otherwise prohib-*
 2 *ited by subsection (a) if—*

3 “(A) *the work is a consequence of an emergency*
 4 *that could not have been reasonably anticipated;*

5 “(B) *the emergency is non-recurring and is not*
 6 *caused by or aggravated by the inattention of the Sec-*
 7 *retary or lack of reasonable contingency planning by*
 8 *the Secretary;*

9 “(C) *the Secretary has exhausted all good faith,*
 10 *reasonable attempts to obtain voluntary workers;*

11 “(D) *the nurse staff have critical skills and ex-*
 12 *pertise that are required for the work; and*

13 “(E) *the work involves work for which the stand-*
 14 *ard of care for a patient assignment requires con-*
 15 *tinuity of care through completion of a case, treat-*
 16 *ment, or procedure.*

17 “(2) *Nursing staff may not be required to work hours*
 18 *under this subsection after the requirement for a direct role*
 19 *by the staff in responding to medical needs resulting from*
 20 *the emergency ends.*

21 “(d) *NURSING STAFF DEFINED.—In this section, the*
 22 *term ‘nursing staff’ includes the following;*

23 “(1) *A registered nurse.*

24 “(2) *A licensed practical or vocational nurse.*

1 “(3) *A nurse assistant appointed under this*
2 *chapter or title 5.*

3 “(4) *Any other nurse position designated by the*
4 *Secretary for purposes of this section.*”.

5 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
6 *tions at the beginning of chapter 74 is amended by*
7 *inserting after the item relating to section 7458 the*
8 *following new item:*

 “7459. *Nursing staff: special rules for overtime duty.*”.

9 (b) *WEEKEND DUTY.*—*Section 7456 is amended—*
10 *(1) by striking subsection (c); and*
11 *(2) by redesignating subsection (d) as subsection*
12 *(c).*

13 (c) *ALTERNATE WORK SCHEDULES.*—

14 (1) *IN GENERAL.*—*Section 7456A(b)(1)(A) is*
15 *amended by striking “three regularly scheduled” and*
16 *all that follows through the period at the end and in-*
17 *serting “six regularly scheduled 12-hour tours of duty*
18 *within a 14-day period shall be considered for all*
19 *purposes to have worked a full 80-hour pay period.”.*

20 (2) *CONFORMING AMENDMENTS.*—*Section*
21 *7456A(b) is amended—*

22 (A) *in the subsection heading, by striking*
23 “36/40” *and inserting “72/80”;*

24 (B) *in paragraph (2)—*

1 (i) in subparagraph (A), by striking
2 “40-hour basic work week” and inserting
3 “80-hour pay period”;

4 (ii) in subparagraph (B), by striking
5 “regularly scheduled 36-hour tour of duty
6 within the work week” and inserting
7 “scheduled 72-hour tour of duty within the
8 bi-weekly pay period”;

9 (iii) in subparagraph (C)—

10 (I) in clause (i), by striking “reg-
11 ularly scheduled 36-hour tour of duty
12 within an administrative work week”
13 and inserting “scheduled 72-hour tour
14 of duty within an administrative pay
15 period”;

16 (II) in clause (ii), by striking
17 “regularly”; and

18 (III) in clause (iii), by striking
19 “regularly scheduled 36-hour tour of
20 duty work week” and inserting “sched-
21 uled 72-hour tour of duty pay period”;
22 and

23 (iv) in subparagraph (D), by striking
24 “regularly”; and

1 (C) in paragraph (3), by striking “regu-
2 larly”.

3 **SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
4 **SISTANCE PROGRAMS.**

5 (a) *REINSTATEMENT OF HEALTH PROFESSIONALS*
6 *EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.*—

7 (1) *IN GENERAL.*—Section 7618 is amended by
8 striking “December 31, 1998” and inserting “Decem-
9 ber 31, 2014”.

10 (2) *EXPANSION OF ELIGIBILITY REQUIRE-*
11 *MENTS.*—Section 7612(b)(2) is amended by striking
12 “(under section” and all that follows through “or vo-
13 cational nurse.” and inserting the following: “as an
14 appointee under paragraph (1) or (3) of section 7401
15 of this title.”.

16 (b) *IMPROVEMENTS TO EDUCATION DEBT REDUCTION*
17 *PROGRAM.*—

18 (1) *INCLUSION OF EMPLOYEE RETENTION AS*
19 *PURPOSE OF PROGRAM.*—Section 7681(a)(2) is
20 amended by inserting “and retention” after “recruit-
21 ment” the first time it appears.

22 (2) *ELIGIBILITY.*—Section 7682 is amended—

23 (A) in subsection (a)(1), by striking “a re-
24 cently appointed” and inserting “an”; and

25 (B) by striking subsection (c).

1 (c) *LOAN REPAYMENT PROGRAM FOR CLINICAL RE-*
2 *SEARCHERS FROM DISADVANTAGED BACKGROUNDS.—*

3 (1) *IN GENERAL.—The Secretary of Veterans Af-*
4 *airs may, in consultation with the Secretary of*
5 *Health and Human Services, utilize the authorities*
6 *available in section 487E of the Public Health Service*
7 *Act (42 U.S.C. 288–5) for the repayment of the prin-*
8 *cipal and interest of educational loans of appro-*
9 *priately qualified health professionals who are from*
10 *disadvantaged backgrounds in order to secure clinical*
11 *research by such professionals for the Veterans Health*
12 *Administration.*

13 (2) *LIMITATIONS.—The exercise by the Secretary*
14 *of Veterans Affairs of the authorities referred to in*
15 *paragraph (1) shall be subject to the conditions and*
16 *limitations specified in paragraphs (2) and (3) of sec-*
17 *tion 487E(a) of the Public Health Service Act (42*
18 *U.S.C. 288–5(a)(2) and (3)).*

19 (3) *FUNDING.—Amounts for the repayment of*
20 *principal and interest of educational loans under this*
21 *subsection shall be derived from amounts available to*
22 *the Secretary of Veterans Affairs for the Veterans*
23 *Health Administration for Medical Services.*

1 **SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE**
 2 **OF PHYSICIANS IN DEPARTMENT OF VET-**
 3 **ERANS AFFAIRS MEDICAL FACILITIES.**

4 (a) *STANDARDS.*—

5 (1) *IN GENERAL.*—Subchapter I of chapter 74 is
 6 amended by inserting after section 7402 the following
 7 new section:

8 **“§ 7402A. Appointment and practice of physicians:**
 9 **standards**

10 “(a) *IN GENERAL.*—The Secretary shall, acting
 11 through the Under Secretary for Health, prescribe stand-
 12 ards to be met by individuals in order to qualify for ap-
 13 pointment in the Veterans Health Administration in the
 14 position of physician and to practice as a physician in
 15 medical facilities of the Administration. The standards
 16 shall incorporate the requirements of this section.

17 “(b) *DISCLOSURE OF CERTAIN INFORMATION BEFORE*
 18 *APPOINTMENT.*—Each individual seeking appointment in
 19 the Veterans Health Administration in the position of phy-
 20 sician shall do the following:

21 “(1) Provide the Secretary a full and complete
 22 explanation of the following:

23 “(A) Each lawsuit, civil action, or other
 24 claim (whether open or closed) brought against
 25 the individual for medical malpractice or neg-
 26 ligence.

1 “(B) Each payment made by or on behalf
2 of the individual to settle any lawsuit, action, or
3 claim covered by subparagraph (A).

4 “(C) Each investigation or disciplinary ac-
5 tion taken against the individual relating to the
6 individual’s performance as a physician.

7 “(2) Provide the Secretary a written authoriza-
8 tion that permits the State licensing board of each
9 State in which the individual holds or has held a li-
10 cense to practice medicine to disclose to the Secretary
11 any information in the records of such State on the
12 following:

13 “(A) Each lawsuit, civil action, or other
14 claim brought against the individual for medical
15 malpractice or negligence covered by paragraph
16 (1)(A) that occurred in such State.

17 “(B) Each payment made by or on behalf
18 of the individual to settle any lawsuit, action, or
19 claim covered by subparagraph (A).

20 “(C) Each medical malpractice judgment
21 against the individual by the courts or adminis-
22 trative agencies or bodies of such State.

23 “(D) Each disciplinary action taken or
24 under consideration against the individual by
25 an administrative agency or body of such State.

1 “(E) *Any change in the status of the license*
 2 *to practice medicine issued the individual by*
 3 *such State, including any voluntary or nondis-*
 4 *ciplinary surrendering of such license by the in-*
 5 *dividual.*

6 “(F) *Any open investigation of the indi-*
 7 *vidual by an administrative agency or body of*
 8 *such State, or any outstanding allegation*
 9 *against the individual before such an adminis-*
 10 *trative agency or body.*

11 “(G) *Any written notification by the State*
 12 *to the individual of potential termination of a li-*
 13 *cense for cause or otherwise.*

14 “(c) *DISCLOSURE OF CERTAIN INFORMATION FOL-*
 15 *LOWING APPOINTMENT.—(1) Each individual appointed in*
 16 *the Veterans Health Administration in the position of phy-*
 17 *sician after the date of the enactment of this section shall,*
 18 *as a condition of service under the appointment, disclose*
 19 *to the Secretary, not later than 30 days after the occurrence*
 20 *of such event, the following:*

21 “(A) *A judgment against the individual for med-*
 22 *ical malpractice or negligence.*

23 “(B) *A payment made by or on behalf of the in-*
 24 *dividual to settle any lawsuit, action, or claim dis-*
 25 *closed under paragraph (1) or (2) of subsection (b).*

1 “(C) *Any disposition of or material change in a*
2 *matter disclosed under paragraph (1) or (2) of sub-*
3 *section (b).*

4 “(D) *Any lawsuit, disciplinary action, or claim*
5 *filed or undertaken after the date of the disclosures*
6 *under subsection (b).*

7 “(2) *Each individual appointed in the Veterans*
8 *Health Administration in the position of physician as of*
9 *the date of the enactment of this section shall do the fol-*
10 *lowing:*

11 “(A) *Not later than the end of the 60-day period*
12 *beginning on the date of the enactment of this section*
13 *and as a condition of service under the appointment*
14 *after the end of that period, submit the request and*
15 *authorization described in subsection (b)(2).*

16 “(B) *Agree, as a condition of service under the*
17 *appointment, to disclose to the Secretary, not later*
18 *than 30 days after the occurrence of such event, the*
19 *following:*

20 “(i) *A judgment against the individual for*
21 *medical malpractice or negligence.*

22 “(ii) *A payment made by or on behalf of the*
23 *individual to settle any lawsuit, action, or claim*
24 *disclosed pursuant to subparagraph (A) or under*
25 *this subparagraph.*

1 “(iii) Any disposition of or material change
2 in a matter disclosed pursuant to subparagraph
3 (A) or under this subparagraph.

4 “(3) Each individual appointed in the Veterans
5 Health Administration in the position of physician shall,
6 as part of the biennial review of the performance of the phy-
7 sician under the appointment, submit the request and au-
8 thorization described in subsection (b)(2). The requirement
9 of this paragraph is in addition to the requirements of
10 paragraph (1) or (2), as applicable.

11 “(d) INVESTIGATION OF DISCLOSED MATTERS.—(1)
12 The Director of the Veterans Integrated Services Network
13 (VISN) in which an individual is seeking appointment in
14 the Veterans Health Administration in the position of phy-
15 sician shall perform an investigation (in such manner as
16 the standards required by this section shall specify) of each
17 matter disclosed under subsection (b) with respect to the in-
18 dividual.

19 “(2) The Director of the Veterans Integrated Services
20 Network in which an individual is appointed in the Vet-
21 erans Health Administration in the position of physician
22 shall perform an investigation (in a manner so specified)
23 of each matter disclosed under subsection (c) with respect
24 to the individual.

1 “(3) *The results of each investigation performed under*
 2 *this subsection shall be fully documented.*

3 “(e) *APPROVAL OF APPOINTMENTS BY DIRECTORS OF*
 4 *VISNS.—(1) An individual may not be appointed in the*
 5 *Veterans Health Administration in the position of physi-*
 6 *cian without the approval of the Director of the Veterans*
 7 *Integrated Services Network in which the individual will*
 8 *first serve under the appointment, unless the medical center*
 9 *director and credentialing and privileging manager of the*
 10 *facility hiring the physician certify in writing that—*

11 “(A) *a full investigation was carried out in com-*
 12 *pliance with section 104 of this title; and*

13 “(B) *an investigation did not disclose any ac-*
 14 *tions described in subsections (b), (c), and (d) of such*
 15 *section.*

16 “(2) *In approving the appointment under this sub-*
 17 *section of an individual for whom any matters have been*
 18 *disclosed under subsection (b), a Director shall—*

19 “(A) *certify in writing the completion of the per-*
 20 *formance of the investigation under subsection (d)(1)*
 21 *of each such matter, including the results of such in-*
 22 *vestigation; and*

23 “(B) *provide a written justification why any*
 24 *matters raised in the course of such investigation do*
 25 *not disqualify the individual from appointment.*

1 “(f) *ENROLLMENT OF PHYSICIANS WITH PRACTICE*
 2 *PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.*—*Each*
 3 *medical facility of the Department at which physicians are*
 4 *extended the privileges of practice shall enroll each physi-*
 5 *cian extended such privileges in the Proactive Disclosure*
 6 *Service of the National Practitioner Data Bank.*

7 “(g) *ENCOURAGING HIRING OF PHYSICIANS WITH*
 8 *BOARD CERTIFICATION.*—(1) *The Secretary shall, for each*
 9 *performance contract with a Director of a Veterans Inte-*
 10 *grated Services Network (VISN), include in such contract*
 11 *a provision that encourages such director to hire physicians*
 12 *who are board eligible or board certified in the specialty*
 13 *in which the physicians will practice.*

14 “(2) *The Secretary may determine the nature and*
 15 *manner of the provision described in paragraph (1).”.*

16 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 17 *tions at the beginning of chapter 74 is amended by*
 18 *inserting after the item relating to section 7402 the*
 19 *following new item:*

“7402A. *Appointment and practice of physicians: standards.*”.

20 (b) *EFFECTIVE DATE AND APPLICABILITY.*—

21 (1) *EFFECTIVE DATE.*—*Except as provided in*
 22 *paragraphs (2) and (3), the amendments made by*
 23 *subsection (a) shall take effect on the date of the en-*
 24 *actment of this Act.*

1 (2) *APPLICABILITY OF CERTAIN REQUIREMENTS*
 2 *TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.*—*In*
 3 *the case of an individual appointed to the Veterans*
 4 *Health Administration in the position of physician as*
 5 *of the date of the enactment of this Act, the require-*
 6 *ments of section 7402A(f) of title 38, United States*
 7 *Code, as added by subsection (a) of this section, shall*
 8 *take effect on the date that is 60 days after the date*
 9 *of the enactment of this Act.*

10 (3) *APPLICABILITY OF REQUIREMENTS RELATED*
 11 *TO HIRING OF PHYSICIANS WITH BOARD CERTIFI-*
 12 *CATION.*—*The requirement of section 7402A(g) of such*
 13 *title, as added by subsection (a), shall begin with the*
 14 *first cycle of performance contracts for directors of*
 15 *Veterans Integrated Services Networks beginning after*
 16 *the date of the enactment of this Act.*

17 ***TITLE II—HEALTH CARE***
 18 ***MATTERS***

19 ***SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING RE-***
 20 ***QUIREMENTS.***

21 (a) *NURSE PAY REPORT.*—*Section 7451 is amended—*
 22 (1) *by striking subsection (f); and*
 23 (2) *by redesignating subsection (g) as subsection*
 24 *(f).*

25 (b) *LONG-TERM PLANNING REPORT.*—

1 (1) *IN GENERAL.*—Section 8107 is repealed.

2 (2) *CONFORMING AMENDMENT.*—The table of sec-
3 tions at the beginning of chapter 81 is amended by
4 striking the item relating to section 8107.

5 **SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RE-**
6 **SEARCH REPORT.**

7 Section 707(c)(1) of the Persian Gulf War Veterans’
8 Health Status Act (title VII of Public Law 102–585; 38
9 U.S.C. 527 note) is amended by striking “Not later than
10 March 1 of each year” and inserting “Not later than July
11 1, 2010, and July 1 of each of the five following years”.

12 **SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA**
13 **BENEFICIARIES.**

14 Section 1781 is amended at the end by adding the fol-
15 lowing new subsection:

16 “(e) Payment by the Secretary under this section on
17 behalf of a covered beneficiary for medical care shall con-
18 stitute payment in full and extinguish any liability on the
19 part of the beneficiary for that care.”.

20 **SEC. 204. DISCLOSURES FROM CERTAIN MEDICAL**
21 **RECORDS.**

22 Section 7332(b)(2) is amended by adding at the end
23 the following new subparagraph:

24 “(F)(i) To a representative of a patient who
25 lacks decision-making capacity, when a practitioner

1 *deems the content of the given record necessary for*
 2 *that representative to make an informed decision re-*
 3 *garding the patient’s treatment.*

4 *“(ii) In this subparagraph, the term ‘representa-*
 5 *tive’ means an individual, organization, or other*
 6 *body authorized under section 7331 of this title and*
 7 *its implementing regulations to give informed consent*
 8 *on behalf of a patient who lacks decision-making ca-*
 9 *capacity.”.*

10 **SEC. 205. DISCLOSURE TO SECRETARY OF HEALTH-PLAN**
 11 **CONTRACT INFORMATION AND SOCIAL SECU-**
 12 **RITY NUMBER OF CERTAIN VETERANS RE-**
 13 **CEIVING CARE.**

14 *(a) IN GENERAL.—Subchapter I of chapter 17 is*
 15 *amended by adding at the end the following new section:*

16 **“§1709. Disclosure to Secretary of health-plan con-**
 17 **tract information and social security**
 18 **number of certain veterans receiving care**

19 *“(a) REQUIRED DISCLOSURE OF HEALTH-PLAN CON-*
 20 *TRACTS.—(1) Any individual who applies for or is in re-*
 21 *ceipt of care described in paragraph (2) shall, at the time*
 22 *of such application, or otherwise when requested by the Sec-*
 23 *retary, submit to the Secretary such current information*
 24 *as the Secretary may require to identify any health-plan*
 25 *contract (as defined in section 1729(i) of this title) under*

1 *which such individual is covered, to include, as applica-*
 2 *ble—*

3 “(A) *the name, address, and telephone number of*
 4 *such health-plan contract;*

5 “(B) *the name of the individual’s spouse, if the*
 6 *individual’s coverage is under the spouse’s health-plan*
 7 *contract;*

8 “(C) *the plan number; and*

9 “(D) *the plan’s group code.*

10 “(2) *The care described in this paragraph is—*

11 “(A) *hospital, nursing home, or domiciliary*
 12 *care;*

13 “(B) *medical, rehabilitative, or preventive health*
 14 *services; or*

15 “(C) *other medical care under laws administered*
 16 *by the Secretary.*

17 “(b) *REQUIRED DISCLOSURE OF SOCIAL SECURITY*
 18 *NUMBER.—(1) Any individual who applies for or is in re-*
 19 *ceipt of care described in paragraph (2) shall, at the time*
 20 *of such application, or otherwise when requested by the Sec-*
 21 *retary, submit to the Secretary—*

22 “(A) *the individual’s social security number; and*

23 “(B) *the social security number of any depend-*
 24 *ent or Department beneficiary on whose behalf, or*

1 *based upon whom, such individual applies for or is*
 2 *in receipt of such care.*

3 “(2) *The care described in this paragraph is—*

4 “(A) *hospital, nursing home, or domiciliary*
 5 *care;*

6 “(B) *medical, rehabilitative, or preventive health*
 7 *services; or*

8 “(C) *other medical care under laws administered*
 9 *by the Secretary.*

10 “(3) *This subsection does not require an individual to*
 11 *furnish the Secretary with a social security number for any*
 12 *individual to whom a social security number has not been*
 13 *assigned.*

14 “(c) *FAILURE TO DISCLOSE SOCIAL SECURITY NUM-*
 15 *BER.—(1) The Secretary shall deny an individual’s appli-*
 16 *cation for, or may terminate an individual’s enrollment in,*
 17 *the system of patient enrollment established by the Sec-*
 18 *retary under section 1705 of this title, if such individual*
 19 *does not provide the social security number required or re-*
 20 *quested to be submitted pursuant to subsection (b).*

21 “(2) *Following a denial or termination under para-*
 22 *graph (1) with respect to an individual, the Secretary may,*
 23 *upon receipt of the information required or requested under*
 24 *subsection (b), approve such individual’s application or re-*
 25 *instate such individual’s enrollment (if otherwise in order),*

1 *for such medical care and services provided on and after*
 2 *the date of such receipt of information.*

3 “(d) *CONSTRUCTION.*—*Nothing in this section shall be*
 4 *construed as authority to deny medical care and treatment*
 5 *to an individual in a medical emergency.”.*

6 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 7 *the beginning of such chapter 17 is amended by inserting*
 8 *after the item relating to section 1708 the following new*
 9 *item:*

“1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.”.

10 **SEC. 206. ENHANCEMENT OF QUALITY MANAGEMENT.**

11 (a) *ENHANCEMENT OF QUALITY MANAGEMENT*
 12 *THROUGH QUALITY MANAGEMENT OFFICERS.*—

13 (1) *IN GENERAL.*—*Subchapter II of chapter 73 is*
 14 *amended by inserting after section 7311 the following*
 15 *new section:*

16 **“§ 7311A. Quality management officers**

17 “(a) *NATIONAL QUALITY MANAGEMENT OFFICER.*—(1)
 18 *The Under Secretary for Health shall designate an official*
 19 *of the Veterans Health Administration to act as the prin-*
 20 *cipal quality management officer for the quality-assurance*
 21 *program required by section 7311 of this title. The official*
 22 *so designated may be known as the ‘National Quality Man-*
 23 *agement Officer of the Veterans Health Administration’ (in*

1 *this section referred to as the ‘National Quality Manage-*
 2 *ment Officer’).*

3 “(2) *The National Quality Management Officer shall*
 4 *report directly to the Under Secretary for Health in the*
 5 *discharge of responsibilities and duties of the Officer under*
 6 *this section.*

7 “(3) *The National Quality Management Officer shall*
 8 *be the official within the Veterans Health Administration*
 9 *who is principally responsible for the quality-assurance*
 10 *program referred to in paragraph (1). In carrying out that*
 11 *responsibility, the Officer shall be responsible for the fol-*
 12 *lowing:*

13 “(A) *Establishing and enforcing the require-*
 14 *ments of the program referred to in paragraph (1).*

15 “(B) *Developing an aggregate quality metric*
 16 *from existing data sources, such as the Inpatient*
 17 *Evaluation Center of the Department, the National*
 18 *Surgical Quality Improvement Program, and the Ex-*
 19 *ternal Peer Review Program of the Veterans Health*
 20 *Administration, that could be used to assess reliably*
 21 *the quality of care provided at individual Depart-*
 22 *ment medical centers and associated community*
 23 *based outpatient clinics.*

24 “(C) *Ensuring that existing measures of quality,*
 25 *including measures from the Inpatient Evaluation*

1 Center, the National Surgical Quality Improvement
2 Program, System-Wide Ongoing Assessment and Re-
3 view reports of the Department, and Combined As-
4 sessment Program reviews of the Office of Inspector
5 General of the Department, are monitored routinely
6 and analyzed in a manner that ensures the timely de-
7 tection of quality of care issues.

8 “(D) Encouraging research and development in
9 the area of quality metrics for the purposes of improv-
10 ing how the Department measures quality in indi-
11 vidual facilities.

12 “(E) Carrying out such other responsibilities
13 and duties relating to quality management in the
14 Veterans Health Administration as the Under Sec-
15 retary for Health shall specify.

16 “(4) The requirements under paragraph (3) shall in-
17 clude requirements regarding the following:

18 “(A) A confidential system for the submittal of
19 reports by Veterans Health Administration personnel
20 regarding quality management at Department facili-
21 ties.

22 “(B) Mechanisms for the peer review of the ac-
23 tions of individuals appointed in the Veterans Health
24 Administration in the position of physician.

1 “(b) *QUALITY MANAGEMENT OFFICERS FOR VISNs.*—

2 (1) *The Regional Director of each Veterans Integrated Serv-*
 3 *ices Network (VISN) shall appoint an official of the Net-*
 4 *work to act as the quality management officer of the Net-*
 5 *work.*

6 “(2) *The quality management officer for a Veterans*
 7 *Integrated Services Network shall report to the Regional Di-*
 8 *rector of the Veterans Integrated Services Network, and to*
 9 *the National Quality Management Officer, regarding the*
 10 *discharge of the responsibilities and duties of the officer*
 11 *under this section.*

12 “(3) *The quality management officer for a Veterans*
 13 *Integrated Services Network shall—*

14 “(A) *direct the quality management office in the*
 15 *Network; and*

16 “(B) *coordinate, monitor, and oversee the quality*
 17 *management programs and activities of the Adminis-*
 18 *tration medical facilities in the Network in order to*
 19 *ensure the thorough and uniform discharge of quality*
 20 *management requirements under such programs and*
 21 *activities throughout such facilities.*

22 “(c) *QUALITY MANAGEMENT OFFICERS FOR MEDICAL*
 23 *FACILITIES.*—(1) *The director of each Veterans Health Ad-*
 24 *ministration medical facility shall appoint a quality man-*
 25 *agement officer for that facility.*

1 “(2) *The quality management officer for a facility*
 2 *shall report directly to the director of the facility, and to*
 3 *the quality management officer of the Veterans Integrated*
 4 *Services Network in which the facility is located, regarding*
 5 *the discharge of the responsibilities and duties of the quality*
 6 *management officer under this section.*

7 “(3) *The quality management officer for a facility*
 8 *shall be responsible for designing, disseminating, and im-*
 9 *plementing quality management programs and activities*
 10 *for the facility that meet the requirements established by*
 11 *the National Quality Management Officer under subsection*
 12 *(a).*

13 “(d) *AUTHORIZATION OF APPROPRIATIONS.—(1) Ex-*
 14 *cept as provided in paragraph (2), there are authorized to*
 15 *be appropriated such sums as may be necessary to carry*
 16 *out this section.*

17 “(2) *There are authorized to be appropriated to carry*
 18 *out the provisions of subparagraphs (B), (C), and (D) of*
 19 *subsection (a)(3), \$25,000,000 for the two-year period of fis-*
 20 *cal years beginning after the date of the enactment of this*
 21 *section.”.*

22 (2) *CLERICAL AMENDMENT.—The table of sec-*
 23 *tions at the beginning of chapter 73 is amended by*
 24 *inserting after the item relating to section 7311 the*
 25 *following new item:*

“7311A. *Quality management officers.”.*

1 (b) *REPORTS ON QUALITY CONCERNS UNDER QUAL-*
 2 *ITY-ASSURANCE PROGRAM.*—Section 7311(b) is amended by
 3 *adding at the end the following new paragraph:*

4 “(4) *As part of the quality-assurance program, the*
 5 *Under Secretary for Health shall establish mechanisms*
 6 *through which employees of Veterans Health Administra-*
 7 *tion facilities may submit reports, on a confidential basis,*
 8 *on matters relating to quality of care in Veterans Health*
 9 *Administration facilities to the quality management offi-*
 10 *cers of such facilities under section 7311A(b) of this title.*
 11 *The mechanisms shall provide for the prompt and thorough*
 12 *review of any reports so submitted by the receiving offi-*
 13 *cials.”.*

14 (c) *REVIEW OF CURRENT HEALTH CARE QUALITY*
 15 *SAFEGUARDS.*—

16 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
 17 *airs shall conduct a comprehensive review of all cur-*
 18 *rent policies and protocols of the Department of Vet-*
 19 *erans Affairs for maintaining health care quality and*
 20 *patient safety at Department medical facilities. The*
 21 *review shall include a review and assessment of the*
 22 *National Surgical Quality Improvement Program*
 23 *(NSQIP), including an assessment of—*

24 (A) *the efficacy of the quality indicators*
 25 *under the program;*

1 (B) the efficacy of the data collection meth-
2 ods under the program;

3 (C) the efficacy of the frequency with which
4 regular data analyses are performed under the
5 program; and

6 (D) the extent to which the resources allo-
7 cated to the program are adequate to fulfill the
8 stated function of the program.

9 (2) *REPORT.*—Not later than 60 days after the
10 date of the enactment of this Act, the Secretary shall
11 submit to Congress a report on the review conducted
12 under paragraph (1), including the findings of the
13 Secretary as a result of the review and such rec-
14 ommendations as the Secretary considers appropriate
15 in light of the review.

16 **SEC. 207. REPORTS ON IMPROVEMENTS TO DEPARTMENT**
17 **HEALTH CARE QUALITY MANAGEMENT.**

18 (a) *REPORT.*—Not later than December 15, 2010, and
19 each year thereafter through 2012, the Secretary of Veterans
20 Affairs shall submit to the congressional veterans affairs
21 committees a report on the implementation of sections 104
22 and 206 of this Act and the amendments made by such sec-
23 tions during the preceding fiscal year. Each report shall
24 include, for the fiscal year covered by such report, the fol-
25 lowing:

1 (1) *A comprehensive description of the imple-*
 2 *mentation of sections 104 and 206 of this Act and the*
 3 *amendments made by such sections.*

4 (2) *Such recommendations as the Secretary con-*
 5 *siders appropriate for legislative or administrative*
 6 *action to improve the authorities and requirements in*
 7 *such sections and the amendments made by such sec-*
 8 *tions or to otherwise improve the quality of health*
 9 *care and the quality of the physicians in the Veterans*
 10 *Health Administration.*

11 (b) *CONGRESSIONAL VETERANS AFFAIRS COMMITTEES*
 12 *DEFINED.—In this section, the term “congressional vet-*
 13 *erans affairs committees” means—*

14 (1) *the Committees on Veterans’ Affairs and Ap-*
 15 *propriations of the Senate; and*

16 (2) *the Committees on Veterans’ Affairs and Ap-*
 17 *propriations of the House of Representatives.*

18 **SEC. 208. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
 19 **ORGANIZATIONS AND LOCAL AND STATE**
 20 **GOVERNMENT ENTITIES TO ENSURE THAT**
 21 **VETERANS RECEIVE CARE AND BENEFITS**
 22 **FOR WHICH THEY ARE ELIGIBLE.**

23 (a) *PILOT PROGRAM REQUIRED.—The Secretary of*
 24 *Veterans Affairs shall carry out a pilot program to assess*

1 *the feasibility and advisability of using community-based*
 2 *organizations and local and State government entities—*

3 (1) *to increase the coordination of community,*
 4 *local, State, and Federal providers of health care and*
 5 *benefits for veterans to assist veterans who are*
 6 *transitioning from military service to civilian life in*
 7 *such transition;*

8 (2) *to increase the availability of high quality*
 9 *medical and mental health services to veterans*
 10 *transitioning from military service to civilian life;*

11 (3) *to provide assistance to families of veterans*
 12 *who are transitioning from military service to civil-*
 13 *ian life to help such families adjust to such transi-*
 14 *tion; and*

15 (4) *to provide outreach to veterans and their*
 16 *families to inform them about the availability of ben-*
 17 *efits and connect them with appropriate care and*
 18 *benefit programs.*

19 (b) *DURATION OF PROGRAM.—The pilot program shall*
 20 *be carried out during the two-year period beginning on the*
 21 *date of the enactment of this Act.*

22 (c) *PROGRAM LOCATIONS.—*

23 (1) *IN GENERAL.—The pilot program shall be*
 24 *carried out at five locations selected by the Secretary*
 25 *for purposes of the pilot program.*

1 (2) *CONSIDERATIONS.—In selecting locations for*
 2 *the pilot program, the Secretary shall consider the ad-*
 3 *visability of selecting locations in—*

4 (A) *rural areas;*

5 (B) *areas with populations that have a high*
 6 *proportion of minority group representation;*

7 (C) *areas with populations that have a high*
 8 *proportion of individuals who have limited ac-*
 9 *cess to health care; and*

10 (D) *areas that are not in close proximity to*
 11 *an active duty military installation.*

12 (d) *GRANTS.—The Secretary shall carry out the pilot*
 13 *program through the award of grants to community-based*
 14 *organizations and local and State government entities.*

15 (e) *SELECTION OF GRANT RECIPIENTS.—*

16 (1) *IN GENERAL.—A community-based organiza-*
 17 *tion or local or State government entity seeking a*
 18 *grant under the pilot program shall submit to the*
 19 *Secretary of Veterans Affairs an application therefor*
 20 *in such form and in such manner as the Secretary*
 21 *considers appropriate.*

22 (2) *ELEMENTS.—Each application submitted*
 23 *under paragraph (1) shall include the following:*

1 (A) *A description of how the proposal was*
2 *developed in consultation with the Department of*
3 *Veterans Affairs.*

4 (B) *A plan to coordinate activities under*
5 *the pilot program, to the greatest extent possible,*
6 *with the local, State, and Federal providers of*
7 *services for veterans to reduce duplication of*
8 *services and to increase the effect of such services.*

9 (f) *USE OF GRANT FUNDS.—The Secretary shall pre-*
10 *scribe appropriate uses of grant funds received under the*
11 *pilot program.*

12 (g) *REPORT ON PROGRAM.—*

13 (1) *IN GENERAL.—Not later than 180 days after*
14 *the completion of the pilot program, the Secretary*
15 *shall submit to Congress a report on the pilot pro-*
16 *gram.*

17 (2) *ELEMENTS.—The report required by para-*
18 *graph (1) shall include the following:*

19 (A) *The findings and conclusions of the Sec-*
20 *retary with respect to the pilot program.*

21 (B) *An assessment of the benefits to veterans*
22 *of the pilot program.*

23 (C) *The recommendations of the Secretary*
24 *as to the advisability of continuing the pilot pro-*
25 *gram.*

1 **SEC. 209. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
 2 **TATION FOR CERTAIN VETERANS.**

3 *Section 1720 is amended by adding at the end the fol-*
 4 *lowing new subsection:*

5 *“(g) The Secretary may contract with appropriate en-*
 6 *tities to provide specialized residential care and rehabilita-*
 7 *tion services to a veteran of Operation Enduring Freedom*
 8 *or Operation Iraqi Freedom who the Secretary determines*
 9 *suffers from a traumatic brain injury, has an accumulation*
 10 *of deficits in activities of daily living and instrumental ac-*
 11 *tivities of daily living, and because of these deficits, would*
 12 *otherwise require admission to a nursing home even though*
 13 *such care would generally exceed the veteran’s nursing*
 14 *needs.”.*

15 **SEC. 210. EXPANDED STUDY ON THE HEALTH IMPACT OF**
 16 **PROJECT SHIPBOARD HAZARD AND DEFENSE.**

17 *(a) IN GENERAL.—Not later than 90 days after the*
 18 *date of the enactment of this Act, the Secretary of Veterans*
 19 *Affairs shall enter into a contract with the Institute of Med-*
 20 *icine of the National Academies to conduct an expanded*
 21 *study on the health impact of Project Shipboard Hazard*
 22 *and Defense (Project SHAD).*

23 *(b) COVERED VETERANS.—The study required by sub-*
 24 *section (a) shall include, to the extent practicable, all vet-*
 25 *erans who participated in Project Shipboard Hazard and*
 26 *Defense.*

1 (c) *UTILIZATION OF EXISTING STUDIES.*—*The study*
 2 *required by subsection (a) may use results from the study*
 3 *covered in the report entitled “Long-Term Health Effects*
 4 *of Participation in Project SHAD” of the Institute of Medi-*
 5 *cine of the National Academies.*

6 **SEC. 211. USE OF NON-DEPARTMENT FACILITIES FOR REHA-**
 7 **BILITATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.**

9 *Section 1710E is amended—*

10 (1) *by redesignating subsection (b) as subsection*
 11 *(c);*

12 (2) *by inserting after subsection (a) the following*
 13 *new subsection (b):*

14 “(b) *COVERED INDIVIDUALS.*—*The care and services*
 15 *provided under subsection (a) shall be made available to*
 16 *an individual—*

17 “(1) *who is described in section 1710C(a) of this*
 18 *title; and*

19 “(2)(A) *to whom the Secretary is unable to pro-*
 20 *vide such treatment or services at the frequency or for*
 21 *the duration prescribed in such plan; or*

22 “(B) *for whom the Secretary determines that it*
 23 *is optimal with respect to the recovery and rehabilita-*
 24 *tion for such individual.”; and*

1 (3) by adding at the end the following new sub-
2 section:

3 “(d) *STANDARDS.*—*The Secretary may not provide*
4 *treatment or services as described in subsection (a) at a*
5 *non-Department facility under such subsection unless such*
6 *facility maintains standards for the provision of such treat-*
7 *ment or services established by an independent, peer-re-*
8 *viewed organization that accredits specialized rehabilita-*
9 *tion programs for adults with traumatic brain injury.*”.

10 **SEC. 212. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL**
11 **ORGANIZATIONS IN CERTAIN PROGRAMS FOR**
12 **STATE VETERANS HOMES.**

13 (a) *TREATMENT OF TRIBAL ORGANIZATION HEALTH*
14 *FACILITIES AS STATE HOMES.*—*Section 8138 is amend-*
15 *ed—*

16 (1) by redesignating subsection (e) as subsection
17 (f); and

18 (2) by inserting after subsection (d) the following
19 new subsection (e):

20 “(e)(1) *A health facility (or certain beds in a health*
21 *facility) of a tribal organization is treatable as a State*
22 *home under subsection (a) in accordance with the provi-*
23 *sions of that subsection.*

24 “(2) *Except as provided in paragraph (3), the provi-*
25 *sions of this section shall apply to a health facility (or cer-*

tain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

“(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).”.

(b) STATE HOME FACILITIES FOR DOMICILIARY, NURSING, AND OTHER CARE.—

(1) IN GENERAL.—Chapter 81 is further amended—

(A) in section 8131, by adding at the end the following new paragraph:

“(5) The term ‘tribal organization’ has the meaning given such term in section 3765 of this title.”;

(B) in section 8132, by inserting “and tribal organizations” after “the several States”; and

(C) by inserting after section 8133 the following new section:

“§ 8133A. Tribal organizations

“(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award a grant to a tribal organization under this subchapter in order to carry out the purposes of this subchapter.

1 “(b) *MANNER AND CONDITION OF GRANT AWARDS.*—

2 (1) *Grants to tribal organizations under this section shall*
 3 *be awarded in the same manner, and under the same condi-*
 4 *tions, as grants awarded to the several States under the pro-*
 5 *visions of this subchapter, subject to such exceptions as the*
 6 *Secretary shall prescribe for purposes of this subchapter to*
 7 *take into account the unique circumstances of tribal organi-*
 8 *zations.*

9 “(2) *For purposes of according priority under sub-*
 10 *section (c)(2) of section 8135 of this title to an application*
 11 *submitted under subsection (a) of such section, an applica-*
 12 *tion submitted under such subsection (a) by a tribal organi-*
 13 *zation of a State that has previously applied for award of*
 14 *a grant under this subchapter for construction or acquisi-*
 15 *tion of a State nursing home shall be considered under sub-*
 16 *paragraph (C) of such subsection (c)(2) an application from*
 17 *a tribal organization that has previously applied for such*
 18 *a grant.”.*

19 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 20 *tions at the beginning of chapter 81 is amended by*
 21 *inserting after the item relating to section 8133 the*
 22 *following new item:*

“8133A. *Tribal organizations.*”.

1 **SEC. 213. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
2 **SURANCE PLANS TO VETERANS AND SUR-**
3 **VIVORS AND DEPENDENTS OF VETERANS.**

4 (a) *PILOT PROGRAM REQUIRED.*—The Secretary of
5 Veterans Affairs shall carry out a pilot program to assess
6 the feasibility and advisability of providing a dental insur-
7 ance plan to veterans and survivors and dependents of vet-
8 erans described in subsection (b).

9 (b) *COVERED VETERANS AND SURVIVORS AND DE-*
10 *PENDENTS.*—The veterans and survivors and dependents of
11 veterans described in this subsection are as follows:

12 (1) *Any veteran who is enrolled in the system of*
13 *annual patient enrollment under section 1705 of this*
14 *title.*

15 (2) *Any survivor or dependent of a veteran who*
16 *is eligible for medical care under section 1781 of this*
17 *title.*

18 (c) *DURATION OF PROGRAM.*—The pilot program shall
19 be carried out during the three-year period beginning on
20 the date of the enactment of this Act.

21 (d) *PILOT PROGRAM LOCATIONS.*—The pilot program
22 shall be carried out in not less than two and not more than
23 four Veterans Integrated Services Networks (VISNs) selected
24 by the Secretary of Veterans Affairs for purposes of the pilot
25 program.

1 (e) *ADMINISTRATION.*—*The Secretary of Veterans Af-*
 2 *fairs shall contract with a dental insurer to administer the*
 3 *dental plan provided under the pilot program.*

4 (f) *BENEFITS.*—*The dental insurance plan under the*
 5 *pilot program shall provide such benefits for dental care*
 6 *and treatment as the Secretary considers appropriate for*
 7 *the dental insurance plan, including diagnostic services,*
 8 *preventative services, endodontics and other restorative*
 9 *services, surgical services, and emergency services.*

10 (g) *ENROLLMENT.*—

11 (1) *VOLUNTARY.*—*Enrollment in the dental in-*
 12 *surance plan under this section shall be voluntary.*

13 (2) *MINIMUM PERIOD.*—*Enrollment in the dental*
 14 *insurance plan shall be for such minimum period as*
 15 *the Secretary shall prescribe for purposes of this sec-*
 16 *tion.*

17 (h) *PREMIUMS.*—

18 (1) *IN GENERAL.*—*Premiums for coverage under*
 19 *the dental insurance plan under the pilot program*
 20 *shall be in such amount or amounts as the Secretary*
 21 *of Veterans Affairs shall prescribe to cover all costs*
 22 *associated with the pilot program.*

23 (2) *ANNUAL ADJUSTMENT.*—*The Secretary shall*
 24 *adjust the premiums payable under the pilot program*
 25 *for coverage under the dental insurance plan on an*

1 *annual basis. Each individual covered by the dental*
 2 *insurance plan at the time of such an adjustment*
 3 *shall be notified of the amount and effective date of*
 4 *such adjustment.*

5 (3) *RESPONSIBILITY FOR PAYMENT.—Each indi-*
 6 *vidual covered by the dental insurance plan shall pay*
 7 *the entire premium for coverage under the dental in-*
 8 *surance plan, in addition to the full cost of any co-*
 9 *payments.*

10 (i) *VOLUNTARY DISENROLLMENT.—*

11 (1) *IN GENERAL.—With respect to enrollment in*
 12 *the dental insurance plan under the pilot program,*
 13 *the Secretary shall—*

14 (A) *permit the voluntary disenrollment of*
 15 *an individual in the dental insurance plan if the*
 16 *disenrollment occurs during the 30-day period*
 17 *beginning on the date of the enrollment of the in-*
 18 *dividual in the dental insurance plan; and*

19 (B) *permit the voluntary disenrollment of*
 20 *an individual in the dental insurance plan for*
 21 *such circumstances as the Secretary shall pre-*
 22 *scribe for purposes of this subsection, but only to*
 23 *the extent such disenrollment does not jeopardize*
 24 *the fiscal integrity of the dental insurance plan.*

1 (2) *ALLOWABLE CIRCUMSTANCES.*—*The cir-*
 2 *cumstances prescribed under paragraph (1)(B) shall*
 3 *include the following:*

4 (A) *If an individual enrolled in the dental*
 5 *insurance plan relocates to a location outside the*
 6 *jurisdiction of the dental insurance plan that*
 7 *prevents utilization of the benefits under the den-*
 8 *tal insurance plan.*

9 (B) *If an individual enrolled in the dental*
 10 *insurance plan is prevented by a serious medical*
 11 *condition from being able to obtain benefits*
 12 *under the dental insurance plan.*

13 (C) *Such other circumstances as the Sec-*
 14 *retary shall prescribe for purposes of this sub-*
 15 *section.*

16 (3) *ESTABLISHMENT OF PROCEDURES.*—*The*
 17 *Secretary shall establish procedures for determina-*
 18 *tions on the permissibility of voluntary*
 19 *disenrollments under paragraph (1)(B). Such proce-*
 20 *dures shall ensure timely determinations on the per-*
 21 *missibility of such disenrollments.*

22 (j) *RELATIONSHIP TO DENTAL CARE PROVIDED BY*
 23 *SECRETARY.*—*Nothing in this section shall affect the re-*
 24 *sponsibility of the Secretary to provide dental care under*
 25 *section 1712 of title 38, United States Code, and the partici-*

1 *pation of an individual in the dental insurance plan under*
 2 *the pilot program shall not affect the individual's entitle-*
 3 *ment to outpatient dental services and treatment, and re-*
 4 *lated dental appliances, under that section.*

5 *(k) REGULATIONS.—The dental insurance plan under*
 6 *the pilot program shall be administered under such regula-*
 7 *tions as the Secretary shall prescribe.*

8 ***TITLE III—WOMEN VETERANS***
 9 ***HEALTH CARE MATTERS***

10 ***SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH***
 11 ***CARE FOR WOMEN VETERANS.***

12 *(a) REPORT.—Not later than June 1, 2010, the Sec-*
 13 *retary of Veterans Affairs shall submit to the Committee*
 14 *on Veterans' Affairs of the Senate and the Committee on*
 15 *Veterans' Affairs of the House of Representatives a report*
 16 *on the barriers to the receipt of comprehensive health care*
 17 *through the Department of Veterans Affairs that are en-*
 18 *countered by women veterans, especially veterans of Oper-*
 19 *ation Iraqi Freedom and Operation Enduring Freedom.*

20 *(b) ELEMENTS.—The report required by subsection (a)*
 21 *shall include the following:*

22 *(1) An identification and assessment of the fol-*
 23 *lowing:*

1 (A) *Any stigma perceived or associated with*
2 *seeking mental health care services through the*
3 *Department of Veterans Affairs.*

4 (B) *The effect on access to care through the*
5 *Department of driving distance or availability of*
6 *other forms of transportation to the nearest ap-*
7 *propriate facility of the Department.*

8 (C) *The availability of child care.*

9 (D) *The receipt of health care through wom-*
10 *en's health clinics, integrated primary care clin-*
11 *ics, or both.*

12 (E) *The extent of comprehension of eligi-*
13 *bility requirements for health care through the*
14 *Department, and the scope of health care services*
15 *available through the Department.*

16 (F) *The quality and nature of the reception*
17 *of women veterans by Department health care*
18 *providers and other staff.*

19 (G) *The perception of personal safety and*
20 *comfort of women veterans in inpatient, out-*
21 *patient, and behavioral health facilities of the*
22 *Department.*

23 (H) *The sensitivity of Department health*
24 *care providers and other staff to issues that par-*
25 *ticularly affect women.*

(2) Such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the report.

13 *SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE*
14 *SERVICES TO WOMEN VETERANS.*

16 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
17 *fairs shall develop a plan—*

(B) to plan appropriately for the future health care needs, including mental health care needs, of women serving on active duty in the Armed Forces in the combat theaters of Operation Iraqi Freedom and Operation Enduring Freedom.

1 (2) *REQUIRED ACTIONS.*—*In developing the plan*
 2 *required by this subsection, the Secretary of Veterans*
 3 *Affairs shall—*

4 (A) *identify the types of health care services*
 5 *to be available to women veterans at each De-*
 6 *partment of Veterans Affairs medical center; and*

7 (B) *identify the personnel and other re-*
 8 *sources required to provide such services to*
 9 *women veterans under the plan at each such*
 10 *medical center.*

11 (b) *SUBMITTAL OF PLAN TO CONGRESS.*—*Not later*
 12 *than 18 months after the date of the enactment of this Act,*
 13 *the Secretary of Veterans Affairs shall submit to the Com-*
 14 *mittee on Veterans' Affairs of the Senate and the Committee*
 15 *on Veterans' Affairs of the House of Representatives the*
 16 *plan required by this section, along with such recommenda-*
 17 *tions for administrative and legislative action as the Sec-*
 18 *retary considers appropriate in light of the plan.*

19 **SEC. 303. INDEPENDENT STUDY ON HEALTH CON-**
 20 **SEQUENCES OF WOMEN VETERANS OF MILI-**
 21 **TARY SERVICE IN OPERATION IRAQI FREE-**
 22 **DOM AND OPERATION ENDURING FREEDOM.**

23 (a) *STUDY REQUIRED.*—*The Secretary of Veterans Af-*
 24 *fairs shall enter into an agreement with a non-Department*
 25 *of Veterans Affairs entity for the purpose of conducting a*

1 *study on health consequences for women veterans of service*
 2 *on active duty in the Armed Forces in deployment in Oper-*
 3 *ation Iraqi Freedom and Operation Enduring Freedom.*

4 (b) *SPECIFIC MATTERS STUDIED.*—*The study under*
 5 *subsection (a) shall include the following:*

6 (1) *A determination of any association of envi-*
 7 *ronmental and occupational exposures and combat in*
 8 *Operation Iraqi Freedom or Operation Enduring*
 9 *Freedom with the general health, mental health, or re-*
 10 *productive health of women who served on active duty*
 11 *in the Armed Forces in Operation Iraqi Freedom or*
 12 *Operation Enduring Freedom.*

13 (2) *A review and analysis of published literature*
 14 *on environmental and occupational exposures of*
 15 *women while serving in the Armed Forces, including*
 16 *combat trauma, military sexual trauma, and expo-*
 17 *sure to potential teratogens associated with reproduc-*
 18 *tive problems and birth defects.*

19 (c) *REPORT.*—

20 (1) *IN GENERAL.*—*Not later than 18 months*
 21 *after entering into the agreement for the study under*
 22 *subsection (a), the entity described in subsection (a)*
 23 *shall submit to the Secretary of Veterans Affairs and*
 24 *to Congress a report on the study containing such*

1 *findings and determinations as the entity considers*
 2 *appropriate.*

3 (2) *RESPONSIVE REPORT.*—*Not later than 90*
 4 *days after the receipt of the report under paragraph*
 5 *(1), the Secretary shall submit to Congress a report*
 6 *setting forth the response of the Secretary to the find-*
 7 *ings and determinations of the entity described in*
 8 *subsection (a) in the report under paragraph (1).*

9 **SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL**
 10 **HEALTH CARE PROVIDERS ON CARE FOR VET-**
 11 **ERANS SUFFERING FROM SEXUAL TRAUMA.**

12 (a) *PROGRAM REQUIRED.*—*Section 1720D is amend-*
 13 *ed—*

14 (1) *by redesignating subsection (d) as subsection*
 15 *(f); and*

16 (2) *by inserting after subsection (c) the following*
 17 *new subsections:*

18 “(d)(1) *The Secretary shall implement a program for*
 19 *education, training, certification, and continuing medical*
 20 *education for mental health professionals to specialize in*
 21 *the provision of counseling and care to veterans eligible for*
 22 *services under subsection (a). In carrying out the program,*
 23 *the Secretary shall ensure that all such mental health pro-*
 24 *fessionals have been trained in a consistent manner and*

1 *that such training includes principles of evidence-based*
2 *treatment and care for sexual trauma.*

3 “(2) *The Secretary shall determine the minimum*
4 *qualifications necessary for mental health professionals cer-*
5 *tified by the program under paragraph (1) to provide evi-*
6 *dence-based treatment and therapy to veterans eligible for*
7 *services under subsection (a) in facilities of the Department.*

8 “(e) *The Secretary shall submit to Congress each year*
9 *a report on the counseling, care, and services provided to*
10 *veterans under this section. Each report shall include data*
11 *for the preceding year with respect to the following:*

12 “(1) *The number of mental health professionals*
13 *and primary care providers who have been certified*
14 *under the program under subsection (d), and the*
15 *amount and nature of continuing medical education*
16 *provided under such program to professionals and*
17 *providers who have been so certified.*

18 “(2) *The number of women veterans who received*
19 *counseling, care, and services under subsection (a)*
20 *from professionals and providers who have been*
21 *trained or certified under the program under sub-*
22 *section (d).*

23 “(3) *The number of training, certification, and*
24 *continuing medical education programs operating*
25 *under subsection (d).*

1 “(4) *The number of trained full-time equivalent*
 2 *employees required in each facility of the Department*
 3 *to meet the needs of veterans requiring treatment and*
 4 *care for sexual trauma.*

5 “(5) *Such other information as the Secretary*
 6 *considers appropriate.*”.

7 **(b) STANDARDS FOR PERSONNEL PROVIDING TREAT-**
 8 **MENT FOR SEXUAL TRAUMA.**—*The Secretary of Veterans*
 9 *Affairs shall establish education, training, certification,*
 10 *and staffing standards for Department of Veterans Affairs*
 11 *health-care facilities for full-time equivalent employees who*
 12 *are trained to provide treatment and care to veterans for*
 13 *sexual trauma.*

14 **SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT**
 15 **SETTINGS FOR WOMEN VETERANS NEWLY**
 16 **SEPARATED FROM SERVICE IN THE ARMED**
 17 **FORCES.**

18 **(a) PILOT PROGRAM REQUIRED.**—

19 **(1) IN GENERAL.**—*Commencing not later than*
 20 *180 days after the date of the enactment of this Act,*
 21 *the Secretary of Veterans Affairs shall carry out,*
 22 *through the Readjustment Counseling Service of the*
 23 *Veterans Health Administration, a pilot program to*
 24 *evaluate the feasibility and advisability of providing*
 25 *reintegration and readjustment services described in*

1 subsection (b) in group retreat settings to women vet-
 2 erans who are recently separated from service in the
 3 Armed Forces after a prolonged deployment.

4 (2) *PARTICIPATION AT ELECTION OF VETERAN.*—
 5 The participation of a veteran in the pilot program
 6 under this section shall be at the election of the vet-
 7 eran.

8 (b) *COVERED SERVICES.*—The services provided to a
 9 woman veteran under the pilot program shall include the
 10 following:

11 (1) *Information on reintegration into the vet-*
 12 *eran's family, employment, and community.*

13 (2) *Financial counseling.*

14 (3) *Occupational counseling.*

15 (4) *Information and counseling on stress reduc-*
 16 *tion.*

17 (5) *Information and counseling on conflict reso-*
 18 *lution.*

19 (6) *Such other information and counseling as the*
 20 *Secretary considers appropriate to assist a woman*
 21 *veteran under the pilot program in reintegration into*
 22 *the veteran's family and community.*

23 (c) *LOCATIONS.*—The Secretary shall carry out the
 24 pilot program at not fewer than five locations selected by
 25 the Secretary for purposes of the pilot program.

1 (d) *DURATION.*—*The pilot program shall be carried*
2 *out during the two-year period beginning on the date of*
3 *the commencement of the pilot program.*

4 (e) *REPORT.*—*Not later than 180 days after the com-*
5 *pletion of the pilot program, the Secretary shall submit to*
6 *Congress a report on the pilot program. The report shall*
7 *contain the findings and conclusions of the Secretary as a*
8 *result of the pilot program, and shall include such rec-*
9 *ommendations for the continuation or expansion of the pilot*
10 *program as the Secretary considers appropriate.*

11 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
12 *authorized to be appropriated to the Secretary of Veterans*
13 *Affairs for each of fiscal years 2010 and 2011, \$2,000,000*
14 *to carry out the pilot program.*

15 **SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PRO-**
16 **GRAM MANAGERS AT MEDICAL CENTERS.**

17 *The Secretary shall, acting through the Under Sec-*
18 *retary for Health, submit to Congress a report on employ-*
19 *ment of full-time women veterans program managers at De-*
20 *partment of Veterans Affairs medical centers to ensure that*
21 *health care needs of women veterans are met. Such report*
22 *should include an assessment of whether there is at least*
23 *one full-time employee at each Department medical center*
24 *who is a full-time women veterans program manager.*

1 **SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
 2 **WOMEN RECENTLY SEPARATED FROM SERV-**
 3 **ICE IN THE ARMED FORCES.**

4 (a) *ADVISORY COMMITTEE ON WOMEN VETERANS.*—

5 *Section 542(a)(2)(A) is amended—*

6 (1) *in clause (ii), by striking “and” at the end;*

7 (2) *in clause (iii), by striking the period at the*
 8 *end and inserting “; and”; and*

9 (3) *by inserting after clause (iii) the following*
 10 *new clause:*

11 “(iv) *women veterans who are recently separated*
 12 *from service in the Armed Forces.*”.

13 (b) *ADVISORY COMMITTEE ON MINORITY VETERANS.*—

14 *Section 544(a)(2)(A) is amended—*

15 (1) *in clause (iii), by striking “and” at the end;*

16 (2) *in clause (iv), by striking the period at the*
 17 *end and inserting “; and”; and*

18 (3) *by inserting after clause (iv) the following*
 19 *new clause:*

20 “(v) *women veterans who are minority group*
 21 *members and are recently separated from service in*
 22 *the Armed Forces.*”.

23 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 24 *section shall apply to appointments made on or after the*
 25 *date of the enactment of this Act.*

1 **SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE**
 2 **FOR CERTAIN VETERANS RECEIVING HEALTH**
 3 **CARE.**

4 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of*
 5 *Veterans Affairs shall carry out a pilot program to assess*
 6 *the feasibility and advisability of providing, subject to sub-*
 7 *section (b), subsidies to qualified veterans described in sub-*
 8 *section (c) to obtain child care so that such veterans can*
 9 *receive health care services described in such subsection.*

10 (b) *LIMITATION ON PERIOD OF PAYMENTS.*—*A subsidy*
 11 *may only be provided to a qualified veteran under the pilot*
 12 *program for receipt of child care during the period that the*
 13 *qualified veteran—*

14 (1) *receives the types of health care services re-*
 15 *ferred to in subsection (c) at a facility of the Depart-*
 16 *ment; and*

17 (2) *requires to travel to and return from such fa-*
 18 *cility for the receipt of such health care services.*

19 (c) *QUALIFIED VETERANS.*—*In this section, the term*
 20 *“qualified veteran” means a veteran who is the primary*
 21 *caretaker of a child or children and who is receiving from*
 22 *the Department one or more of the following health care*
 23 *services:*

24 (1) *Regular mental health care services.*

25 (2) *Intensive mental health care services.*

1 (3) *Such other intensive health care services that*
2 *the Secretary determines that payment to the veteran*
3 *for the provision of child care would improve access*
4 *to those health care services by the veteran.*

5 (d) *LOCATIONS.—The Secretary shall carry out the*
6 *pilot program in no fewer than three Veterans Integrated*
7 *Service Networks (VISNs) selected by the Secretary for pur-*
8 *poses of the pilot program.*

9 (e) *DURATION.—The pilot program shall be carried*
10 *out during the two-year period beginning on the date of*
11 *the commencement of the pilot program.*

12 (f) *EXISTING MODEL.—To the extent practicable, the*
13 *Secretary shall model the pilot program after the Depart-*
14 *ment of Veterans Affairs Child Care Subsidy Program that*
15 *was established pursuant to section 630 of the Treasury and*
16 *General Government Appropriations Act, 2002 (Public Law*
17 *107–67; 115 Stat. 552), using the same income eligibility*
18 *standards and payment structure.*

19 (g) *REPORT.—Not later than six months after the com-*
20 *pletion of the pilot program, the Secretary shall submit to*
21 *Congress a report on the pilot program. The report shall*
22 *include the findings and conclusions of the Secretary as a*
23 *result of the pilot program, and shall include such rec-*
24 *ommendations for the continuation or expansion of the pilot*
25 *program as the Secretary considers appropriate.*

1 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated to the Secretary of Veterans*
 3 *Affairs for each of fiscal years 2010 and 2011, \$1,500,000*
 4 *to carry out the pilot program.*

5 **SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 6 **ERANS RECEIVING MATERNITY CARE.**

7 (a) *IN GENERAL.*—*Subchapter VIII of chapter 17 is*
 8 *amended by adding at the end the following new section:*

9 **“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN**
 10 **VETERANS RECEIVING MATERNITY CARE.**

11 “(a) *IN GENERAL.*—*The Secretary may furnish health*
 12 *care services described in subsection (b) to a newborn child*
 13 *of a woman veteran who is receiving maternity care fur-*
 14 *nished by the Department for not more than 7 days after*
 15 *the birth of the child if the veteran delivered the child in—*

16 “(1) *a facility of the Department; or*

17 “(2) *another facility pursuant to a Department*
 18 *contract for services relating to such delivery.*

19 “(b) *COVERED HEALTH CARE SERVICES.*—*Health*
 20 *care services described in this subsection are all post-deliv-*
 21 *ery care services, including routine care services, that a*
 22 *newborn requires.”.*

23 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 24 *the beginning of chapter 17 is amended by inserting after*
 25 *the item relating to section 1785 the following new item:*

“1786. *Care for newborn children of women veterans receiving maternity care.*”.

**TITLE IV—MENTAL HEALTH
CARE MATTERS**

**SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED
FORCES WHO SERVE IN OPERATION IRAQI
FREEDOM OR OPERATION ENDURING FREE-
DOM FOR COUNSELING AND SERVICES
THROUGH READJUSTMENT COUNSELING
SERVICE.**

(a) IN GENERAL.—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through the Readjustment Counseling Service of the Veterans Health Administration.

(b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY SERVICE.—A member of the Armed Forces who meets the requirements for eligibility for counseling and services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

1 (c) *REGULATIONS.*—*The eligibility of members of the*
 2 *Armed Forces for counseling and services under subsection*
 3 *(a) shall be subject to such regulations as the Secretary of*
 4 *Defense and the Secretary of Veterans Affairs shall jointly*
 5 *prescribe for purposes of this section.*

6 (d) *SUBJECT TO AVAILABILITY OF APPROPRIATIONS.*—
 7 *The provision of counseling and services under subsection*
 8 *(a) shall be subject to the availability of appropriations for*
 9 *such purpose.*

10 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 11 **MENT COUNSELING SERVICE TO PROVIDE RE-**
 12 **FERRAL AND OTHER ASSISTANCE UPON RE-**
 13 **QUEST TO FORMER MEMBERS OF THE ARMED**
 14 **FORCES NOT AUTHORIZED COUNSELING.**

15 *Section 1712A is amended—*

16 (1) *by redesignating subsections (c) through (f)*
 17 *as subsections (d) through (g), respectively; and*

18 (2) *by inserting after subsection (b) the following*
 19 *new subsection (c):*

20 “(c) *Upon receipt of a request for counseling under this*
 21 *section from any individual who has been discharged or re-*
 22 *leased from active military, naval, or air service but who*
 23 *is not otherwise eligible for such counseling, the Secretary*
 24 *shall—*

1 “(1) provide referral services to assist such indi-
 2 vidual, to the maximum extent practicable, in obtain-
 3 ing mental health care and services from sources out-
 4 side the Department; and

5 “(2) if pertinent, advise such individual of such
 6 individual’s rights to apply to the appropriate mili-
 7 tary, naval, or air service, and to the Department, for
 8 review of such individual’s discharge or release from
 9 such service.”.

10 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

11 (a) *STUDY REQUIRED.*—The Secretary of Veterans Af-
 12 fairs shall conduct a study to determine the number of vet-
 13 erans who died by suicide between January 1, 1999, and
 14 the date of the enactment of this Act.

15 (b) *COORDINATION.*—In carrying out the study under
 16 subsection (a) the Secretary of Veterans Affairs shall coordi-
 17 nate with—

- 18 (1) the Secretary of Defense;
- 19 (2) Veterans Service Organizations;
- 20 (3) the Centers for Disease Control and Preven-
- 21 tion; and
- 22 (4) State public health offices and veterans agen-
- 23 cies.

24 (c) *REPORT TO CONGRESS.*—The Secretary of Veterans
 25 Affairs shall submit to the Committee on Veterans’ Affairs

1 *of the Senate and the Committee on Veterans' Affairs of*
 2 *the House of Representatives a report on the study required*
 3 *under subsection (a) and the findings of the Secretary.*

4 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*
 5 *authorized to be appropriated such sums as may be nec-*
 6 *essary to carry out this section.*

7 **SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH**
 8 **AND HUMAN SERVICES FOR GRADUATE PSY-**
 9 **CHOLOGY EDUCATION PROGRAM.**

10 *(a) TRANSFER OF FUNDS.—Not later than September*
 11 *30, 2010, the Secretary of Veterans Affairs shall transfer*
 12 *\$5,000,000 from accounts of the Veterans Health Adminis-*
 13 *tration to the Secretary of Health and Human Services for*
 14 *the Graduate Psychology Education program established*
 15 *under section 755(b)(1)(J) of the Public Health Service Act*
 16 *(42 U.S.C. 294e(b)(1)(J)).*

17 *(b) USE OF FUNDS TRANSFERRED.—Funds trans-*
 18 *ferred under subsection (a) shall be used to award grants*
 19 *to support the training of psychologists in the treatment*
 20 *of veterans with post traumatic stress disorder, traumatic*
 21 *brain injury, and other combat-related disorders.*

22 *(c) PREFERENCE FOR DEPARTMENT OF VETERANS AF-*
 23 *FAIRS HEALTH CARE FACILITIES.—In the awarding of*
 24 *grants under subsection (b), the Graduate Psychology Edu-*
 25 *cation program shall give preference to health care facilities*

1 of the Department of Veterans Affairs and graduate pro-
 2 grams of education that are affiliated with such facilities.

3 **TITLE V—HOMELESS VETERANS**
 4 **MATTERS**

5 **SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR**
 6 **ENTITIES THAT COORDINATE THE PROVISION**
 7 **OF SUPPORTIVE SERVICES TO FORMERLY**
 8 **HOMELESS VETERANS RESIDING ON CERTAIN**
 9 **MILITARY PROPERTY.**

10 (a) *ESTABLISHMENT.*—

11 (1) *IN GENERAL.*—Subject to the availability of
 12 appropriations for such purpose, the Secretary of Vet-
 13 erans Affairs may carry out a pilot program to make
 14 grants to public and nonprofit organizations (includ-
 15 ing faith-based and community organizations) to co-
 16 ordinate the provision of supportive services available
 17 in the local community to very low income, formerly
 18 homeless veterans residing in permanent housing that
 19 is located on qualifying property described in sub-
 20 section (b).

21 (2) *NUMBER OF GRANTS.*—The Secretary may
 22 make grants at up to 10 qualifying properties under
 23 the pilot program.

24 (b) *QUALIFYING PROPERTY.*—Qualifying property
 25 under the pilot program is property that—

1 (1) *was part of a military installation that was*
 2 *closed in accordance with—*

3 (A) *decisions made as part of the 2005*
 4 *round of defense base closure and realignment*
 5 *under the Defense Base Closure and Realignment*
 6 *Act of 1990 (part A of title XXIX of Public Law*
 7 *101–510; 10 U.S.C. 2687 note); and*

8 (B) *subchapter III of chapter 5 of title 40,*
 9 *United States Code; and*

10 (2) *the Secretary of Defense determines, after*
 11 *considering any redevelopment plans of any local re-*
 12 *development authority relating to such property, may*
 13 *be used to assist the homeless in accordance with such*
 14 *redemption plan.*

15 (c) *CRITERIA FOR GRANTS.—The Secretary shall pre-*
 16 *scribe criteria and requirements for grants under this sec-*
 17 *tion and shall publish such criteria and requirements in*
 18 *the Federal Register.*

19 (d) *DURATION OF PROGRAM.—The authority of the*
 20 *Secretary to provide grants under a pilot program under*
 21 *this section shall cease on the date that is five years after*
 22 *the date of the commencement of the pilot program.*

23 (e) *VERY LOW INCOME DEFINED.—In this section, the*
 24 *term “very low income” has the meaning given that term*

1 *in the Resident Characteristics Report issued annually by*
 2 *the Department of Housing and Urban Development.*

3 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 4 *authorized to be appropriated from amounts made available*
 5 *under the heading “General Operating Expenses”, not more*
 6 *than \$3,000,000 in each of fiscal years 2010 through 2014*
 7 *to carry out the purposes of this section.*

8 **SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 9 **TITIES THAT COORDINATE THE PROVISION**
 10 **OF SUPPORTIVE SERVICES TO FORMERLY**
 11 **HOMELESS VETERANS RESIDING IN PERMA-**
 12 **NENT HOUSING.**

13 (a) *ESTABLISHMENT OF PILOT PROGRAM.—*

14 (1) *IN GENERAL.—Subject to the availability of*
 15 *appropriations for such purpose, the Secretary of Vet-*
 16 *erans Affairs may carry out a pilot program to make*
 17 *grants to public and nonprofit organizations (includ-*
 18 *ing faith-based and community organizations) to co-*
 19 *ordinate the provision of supportive services available*
 20 *in the local community to very low income, formerly*
 21 *homeless veterans residing in permanent housing.*

22 (2) *NUMBER OF GRANTS.—The Secretary may*
 23 *make grants at up to 10 qualifying properties under*
 24 *the pilot program.*

1 (b) *QUALIFYING PROPERTY.*—Qualifying property
2 under the pilot program is any property in the United
3 States on which permanent housing is provided or afforded
4 to formerly homeless veterans, as determined by the Sec-
5 retary.

6 (c) *CRITERIA FOR GRANTS.*—The Secretary shall pre-
7 scribe criteria and requirements for grants under this sec-
8 tion and shall publish such criteria and requirements in
9 the Federal Register.

10 (d) *DURATION OF PILOT PROGRAM.*—The authority of
11 the Secretary to provide grants under a pilot program
12 under this section shall cease on the date that is five years
13 after the date of the commencement of the pilot program.

14 (e) *VERY LOW INCOME DEFINED.*—In this section, the
15 term “very low income” has the meaning given that term
16 in the Resident Characteristics Report issued annually by
17 the Department of Housing and Urban Development.

18 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated from amounts made available
20 under the heading “General Operating Expenses”, not more
21 than \$3,000,000 in each of fiscal years 2010 through 2014
22 to carry out the purposes of this section.

1 **SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
2 **TITIES THAT PROVIDE OUTREACH TO IN-**
3 **FORM CERTAIN VETERANS ABOUT PENSION**
4 **BENEFITS.**

5 (a) *AUTHORITY TO MAKE GRANTS.*—In addition to
6 the outreach authority provided to the Secretary of Veterans
7 Affairs by section 6303 of title 38, United States Code, the
8 Secretary may carry out a pilot program to make grants
9 to public and nonprofit organizations (including faith-
10 based and community organizations) for services to provide
11 outreach to inform low-income and elderly veterans and
12 their spouses who reside in rural areas of benefits for which
13 they may be eligible under chapter 15 of such title.

14 (b) *CRITERIA FOR GRANTS.*—The Secretary shall pre-
15 scribe criteria and requirements for grants under this sec-
16 tion and shall publish such criteria and requirements in
17 the Federal Register.

18 (c) *DURATION OF PILOT PROGRAM.*—The authority of
19 the Secretary to provide grants under a pilot program
20 under this section shall cease on the date that is five years
21 after the date of the commencement of the pilot program.

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 authorized to be appropriated from amounts made available
24 under the heading “General Operating Expenses”, not more
25 than \$1,275,000 in each of fiscal years 2010 through 2014
26 to carry out the purposes of this section.

1 **SEC. 504. ASSESSMENT OF PILOT PROGRAMS.**

2 (a) *PROGRESS REPORTS.*—Not less than one year be-
3 fore the expiration of the authority to carry out a pilot pro-
4 gram authorized by sections 501 through 503, the Secretary
5 of Veterans Affairs shall submit to Congress a progress re-
6 port on such pilot program.

7 (b) *CONTENTS.*—Each progress report submitted for a
8 pilot program under subsection (a) shall include the fol-
9 lowing:

10 (1) *The lessons learned by the Secretary of Vet-*
11 *erans Affairs with respect to such pilot program that*
12 *can be applied to other programs with similar pur-*
13 *poses.*

14 (2) *The recommendations of the Secretary on*
15 *whether to continue such pilot program.*

16 (3) *The number of veterans and dependents*
17 *served by such pilot program.*

18 (4) *An assessment of the quality of service pro-*
19 *vided to veterans and dependents under such pilot*
20 *program.*

21 (5) *The amount of funds provided to grant re-*
22 *cipients under such pilot program.*

23 (6) *The names of organizations that have re-*
24 *ceived grants under such pilot program.*

1 **TITLE VI—NONPROFIT RE-**
 2 **SEARCH AND EDUCATION**
 3 **CORPORATIONS**

4 **SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF**
 5 **CORPORATIONS.**

6 (a) *AUTHORIZATION OF MULTI-MEDICAL CENTER RE-*
 7 *SEARCH CORPORATIONS.—*

8 (1) *IN GENERAL.—Section 7361 is amended—*

9 (A) *by redesignating subsection (b) as sub-*
 10 *section (e); and*

11 (B) *by inserting after subsection (a) the fol-*
 12 *lowing new subsection (b):*

13 “(b)(1) *Subject to paragraph (2), a corporation estab-*
 14 *lished under this subchapter may facilitate the conduct of*
 15 *research, education, or both at more than one medical cen-*
 16 *ter. Such a corporation shall be known as a ‘multi-medical*
 17 *center research corporation’.*

18 “(2) *The board of directors of a multi-medical center*
 19 *research corporation under this subsection shall include the*
 20 *official at each Department medical center concerned who*
 21 *is, or who carries out the responsibilities of, the medical*
 22 *center director of such center as specified in section*
 23 *7363(a)(1)(A)(i) of this title.*

24 “(3) *In facilitating the conduct of research, education,*
 25 *or both at more than one Department medical center under*

1 *this subchapter, a multi-medical center research corpora-*
 2 *tion may administer receipts and expenditures relating to*
 3 *such research, education, or both, as applicable, performed*
 4 *at the Department medical centers concerned.”.*

5 (2) *EXPANSION OF EXISTING CORPORATIONS TO*
 6 *MULTI-MEDICAL CENTER RESEARCH CORPORA-*
 7 *TIONS.—Such section is further amended by adding*
 8 *at the end the following new subsection:*

9 “(f) *A corporation established under this subchapter*
 10 *may act as a multi-medical center research corporation*
 11 *under this subchapter in accordance with subsection (b)*
 12 *if—*

13 “(1) *the board of directors of the corporation ap-*
 14 *proves a resolution permitting facilitation by the cor-*
 15 *poration of the conduct of research, education, or both*
 16 *at the other Department medical center or medical*
 17 *centers concerned; and*

18 “(2) *the Secretary approves the resolution of the*
 19 *corporation under paragraph (1).”.*

20 (b) *RESTATEMENT AND MODIFICATION OF AUTHORI-*
 21 *TIES ON APPLICABILITY OF STATE LAW.—*

22 (1) *IN GENERAL.—Section 7361, as amended by*
 23 *subsection (a) of this section, is further amended by*
 24 *inserting after subsection (b) the following new sub-*
 25 *section (c):*

1 “(c) *Any corporation established under this subchapter*
 2 *shall be established in accordance with the nonprofit cor-*
 3 *poration laws of the State in which the applicable Depart-*
 4 *ment medical center is located and shall, to the extent not*
 5 *inconsistent with any Federal law, be subject to the laws*
 6 *of such State. In the case of any multi-medical center re-*
 7 *search corporation that facilitates the conduct of research,*
 8 *education, or both at Department medical centers located*
 9 *in different States, the corporation shall be established in*
 10 *accordance with the nonprofit corporation laws of the State*
 11 *in which one of such Department medical centers is lo-*
 12 *cated.”.*

13 (2) *CONFORMING AMENDMENT.—Section 7365 is*
 14 *repealed.*

15 (c) *CLARIFICATION OF STATUS OF CORPORATIONS.—*
 16 *Section 7361, as amended by this section, is further amend-*
 17 *ed—*

18 (1) *in subsection (a), by striking the second sen-*
 19 *tence; and*

20 (2) *by inserting after subsection (c) the following*
 21 *new subsection (d):*

22 “(d)(1) *Except as otherwise provided in this sub-*
 23 *chapter or under regulations prescribed by the Secretary,*
 24 *any corporation established under this subchapter, and its*
 25 *officers, directors, and employees, shall be required to com-*

1 *ply only with those Federal laws, regulations, and executive*
 2 *orders and directives that apply generally to private non-*
 3 *profit corporations.*

4 “(2) *A corporation under this subchapter is not—*

5 “(A) *owned or controlled by the United States;*

6 *or*

7 “(B) *an agency or instrumentality of the United*
 8 *States.”.*

9 *(d) REINSTATEMENT OF REQUIREMENT FOR 501(c)(3)*
 10 *STATUS OF CORPORATIONS.—Subsection (e) of section*
 11 *7361, as redesignated by subsection (a)(1) of this section,*
 12 *is further amended by inserting “section 501(c)(3) of” after*
 13 *“exempt from taxation under”.*

14 **SEC. 602. CLARIFICATION OF PURPOSES OF CORPORA-**
 15 **TIONS.**

16 *(a) CLARIFICATION OF PURPOSES.—Subsection (a) of*
 17 *section 7362 is amended—*

18 *(1) in the first sentence—*

19 *(A) by striking “Any corporation” and all*
 20 *that follows through “facilitate” and inserting*
 21 *“A corporation established under this subchapter*
 22 *shall be established to provide a flexible funding*
 23 *mechanism for the conduct of approved research*
 24 *and education at one or more Department med-*

1 ical centers and to facilitate functions related to
2 the conduct of”; and

3 (B) by inserting before the period at the end
4 the following: “or centers”; and

5 (2) in the second sentence, by inserting “or cen-
6 ters” after “at the medical center”.

7 (b) *MODIFICATION OF DEFINED TERM RELATING TO*
8 *EDUCATION AND TRAINING.*—Subsection (b) of such section
9 is amended in the matter preceding paragraph (1) by strik-
10 ing “the term ‘education and training’” and inserting “the
11 term ‘education’ includes education and training and”.

12 (c) *REPEAL OF ROLE OF CORPORATIONS WITH RE-*
13 *SPECT TO FELLOWSHIPS.*—Paragraph (1) of subsection (b)
14 of such section is amended by striking the flush matter fol-
15 lowing subparagraph (C).

16 (d) *AVAILABILITY OF EDUCATION FOR FAMILIES OF*
17 *VETERAN PATIENTS.*—Paragraph (2) of subsection (b) of
18 such section is amended by striking “to patients and to the
19 families” and inserting “and includes education and train-
20 ing for patients and families”.

21 **SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS**
22 **OF DIRECTORS OF CORPORATIONS.**

23 (a) *REQUIREMENTS FOR DEPARTMENT BOARD MEM-*
24 *BERS.*—Paragraph (1) of section 7363(a) is amended to
25 read as follows:

1 “(1) with respect to the Department medical cen-
2 ter—

3 “(A)(i) the director (or directors of each De-
4 partment medical center, in the case of a multi-
5 medical center research corporation);

6 “(ii) the chief of staff; and

7 “(iii) as appropriate for the activities of
8 such corporation, the associate chief of staff for
9 research and the associate chief of staff for edu-
10 cation; or

11 “(B) in the case of a Department medical
12 center at which one or more of the positions re-
13 ferred to in subparagraph (A) do not exist, the
14 official or officials who are responsible for car-
15 rying out the responsibilities of such position or
16 positions at the Department medical center;
17 and”.

18 (b) *REQUIREMENTS FOR NON-DEPARTMENT BOARD*
19 *MEMBERS.*—Paragraph (2) of such section is amended—

20 (1) by inserting “not less than two” before
21 “members”; and

22 (2) by striking “and who” and all that follows
23 through the period at the end and inserting “and who
24 have backgrounds, or business, legal, financial, med-

1 ical, or scientific expertise, of benefit to the operations
2 of the corporation.”.

3 (c) *CONFLICTS OF INTEREST.*—Subsection (c) of sec-
4 tion 7363 is amended by striking “, employed by, or have
5 any other financial relationship with” and inserting “or
6 employed by”.

7 **SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.**

8 (a) *IN GENERAL.*—Section 7364 is amended to read
9 as follows:

10 **“§ 7364. General powers**

11 “(a) *IN GENERAL.*—(1) A corporation established
12 under this subchapter may, solely to carry out the purposes
13 of this subchapter—

14 “(A) accept, administer, retain, and spend funds
15 derived from gifts, contributions, grants, fees, reim-
16 bursements, and bequests from individuals and public
17 and private entities;

18 “(B) enter into contracts and agreements with
19 individuals and public and private entities;

20 “(C) subject to paragraph (2), set fees for edu-
21 cation and training facilitated under section 7362 of
22 this title, and receive, retain, administer, and spend
23 funds in furtherance of such education and training;

24 “(D) reimburse amounts to the applicable appro-
25 priation account of the Department for the Office of

1 *General Counsel for any expenses of that Office in*
 2 *providing legal services attributable to research and*
 3 *education agreements under this subchapter; and*

4 *“(E) employ such employees as the corporation*
 5 *considers necessary for such purposes and fix the com-*
 6 *ensation of such employees.*

7 *“(2) Fees charged under paragraph (1)(C) for edu-*
 8 *cation and training described in that paragraph to individ-*
 9 *uals who are officers or employees of the Department may*
 10 *not be paid for by any funds appropriated to the Depart-*
 11 *ment.*

12 *“(3) Amounts reimbursed to the Office of General*
 13 *Counsel under paragraph (1)(D) shall be available for use*
 14 *by the Office of the General Counsel only for staff and train-*
 15 *ing, and related travel, for the provision of legal services*
 16 *described in that paragraph and shall remain available for*
 17 *such use without fiscal year limitation.*

18 *“(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1)*
 19 *Except as provided in paragraph (2), any funds received*
 20 *by the Secretary for the conduct of research or education*
 21 *at a Department medical center or centers, other than funds*
 22 *appropriated to the Department, may be transferred to and*
 23 *administered by a corporation established under this sub-*
 24 *chapter for such purposes.*

1 “(2) *A Department medical center may reimburse the*
2 *corporation for all or a portion of the pay, benefits, or both*
3 *of an employee of the corporation who is assigned to the*
4 *Department medical center if the assignment is carried out*
5 *pursuant to subchapter VI of chapter 33 of title 5.*

6 “(3) *A Department medical center may retain and use*
7 *funds provided to it by a corporation established under this*
8 *subchapter. Such funds shall be credited to the applicable*
9 *appropriation account of the Department and shall be*
10 *available, without fiscal year limitation, for the purposes*
11 *of that account.*

12 “(c) *RESEARCH PROJECTS.—Except for reasonable*
13 *and usual preliminary costs for project planning before its*
14 *approval, a corporation established under this subchapter*
15 *may not spend funds for a research project unless the project*
16 *is approved in accordance with procedures prescribed by*
17 *the Under Secretary for Health for research carried out*
18 *with Department funds. Such procedures shall include a*
19 *scientific review process.*

20 “(d) *EDUCATION ACTIVITIES.—Except for reasonable*
21 *and usual preliminary costs for activity planning before*
22 *its approval, a corporation established under this sub-*
23 *chapter may not spend funds for an education activity un-*
24 *less the activity is approved in accordance with procedures*
25 *prescribed by the Under Secretary for Health.*

1 “(e) *POLICIES AND PROCEDURES.*—*The Under Sec-*
 2 *retary for Health may prescribe policies and procedures to*
 3 *guide the spending of funds by corporations established*
 4 *under this subchapter that are consistent with the purpose*
 5 *of such corporations as flexible funding mechanisms and*
 6 *with Federal and State laws and regulations, and executive*
 7 *orders, circulars, and directives that apply generally to the*
 8 *receipt and expenditure of funds by nonprofit organizations*
 9 *exempt from taxation under section 501(c)(3) of the Inter-*
 10 *nal Revenue Code of 1986.”.*

11 (b) *CONFORMING AMENDMENT.*—*Section 7362(a), as*
 12 *amended by section 602(a)(1) of this Act, is further amend-*
 13 *ed by striking the last sentence.*

14 **SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 15 **UNITED STATES CODE.**

16 (a) *REDESIGNATION.*—*Section 7364A is redesignated*
 17 *as section 7365.*

18 (b) *CLERICAL AMENDMENTS.*—*The table of sections at*
 19 *the beginning of chapter 73 is amended—*

20 (1) *by striking the item relating to section*
 21 7364A; and

22 (2) *by striking the item relating to section 7365*
 23 *and inserting the following new item:*

“7365. *Coverage of employees under certain Federal tort claims laws.*”.

1 **SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
 2 **CORPORATIONS.**

3 (a) *ADDITIONAL INFORMATION IN ANNUAL RE-*
 4 *PORTS.*—*Subsection (b) of section 7366 is amended to read*
 5 *as follows:*

6 “(b)(1) *Each corporation shall submit to the Secretary*
 7 *each year a report providing a detailed statement of the*
 8 *operations, activities, and accomplishments of the corpora-*
 9 *tion during that year.*

10 “(2)(A) *A corporation with revenues in excess of*
 11 *\$300,000 for any year shall obtain an audit of the corpora-*
 12 *tion for that year.*

13 “(B) *A corporation with annual revenues between*
 14 *\$10,000 and \$300,000 shall obtain an audit of the corpora-*
 15 *tion at least once every three years.*

16 “(C) *Any audit under this paragraph shall be per-*
 17 *formed by an independent auditor.*

18 “(3) *The corporation shall include in each report to*
 19 *the Secretary under paragraph (1) the following:*

20 “(A) *The most recent audit of the corporation*
 21 *under paragraph (2).*

22 “(B) *The most recent Internal Revenue Service*
 23 *Form 990 ‘Return of Organization Exempt from In-*
 24 *come Tax’ or equivalent and the applicable schedules*
 25 *under such form.’.*

1 (b) *CONFIRMATION OF APPLICATION OF CONFLICT OF*
 2 *INTEREST REGULATIONS TO APPROPRIATE CORPORATION*
 3 *POSITIONS.*—Subsection (c) of such section is amended—

4 (1) by striking “laws and” each place it appears;

5 (2) in paragraph (1)—

6 (A) by inserting “each officer and” after
 7 “under this subchapter,”; and

8 (B) by striking “, and each employee of the
 9 Department” and all that follows through “dur-
 10 ing any year”; and

11 (3) in paragraph (2)—

12 (A) by inserting “, officer,” after “verifying
 13 that each director”; and

14 (B) by striking “in the same manner” and
 15 all that follows before the period at the end.

16 (c) *ESTABLISHMENT OF APPROPRIATE PAYEE RE-*
 17 *PORTING THRESHOLD.*—Subsection (d)(3)(C) of such sec-
 18 tion is amended by striking “\$35,000” and inserting
 19 “\$50,000”.

20 ***TITLE VII—OTHER MATTERS***

21 ***SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF***
 22 ***VETERANS AFFAIRS POLICE OFFICERS.***

23 Section 902 is amended—

24 (1) in subsection (a)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) *Employees of the Department who are De-*
4 *partment police officers shall, with respect to acts oc-*
5 *curring on Department property—*

6 “(A) *enforce Federal laws;*

7 “(B) *enforce the rules prescribed under sec-*
8 *tion 901 of this title;*

9 “(C) *enforce traffic and motor vehicle laws*
10 *of a State or local government (by issuance of a*
11 *citation for violation of such laws) within the ju-*
12 *risdiction of which such Department property is*
13 *located as authorized by an express grant of au-*
14 *thority under applicable State or local law;*

15 “(D) *carry the appropriate Department-*
16 *issued weapons, including firearms, while off De-*
17 *partment property in an official capacity or*
18 *while in an official travel status;*

19 “(E) *conduct investigations, on and off De-*
20 *partment property, of offenses that may have*
21 *been committed on property under the original*
22 *jurisdiction of Department, consistent with*
23 *agreements or other consultation with affected*
24 *local, State, or Federal law enforcement agencies;*
25 *and*

1 “(F) carry out, as needed and appropriate,
 2 the duties described in subparagraphs (A)
 3 through (E) of this paragraph when engaged in
 4 duties authorized by other Federal statutes.”;

5 (B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

7 (C) in paragraph (2), as redesignated by
 8 subparagraph (B) of this paragraph, by inserting “, and on any arrest warrant issued by competent judicial authority” before the period; and
 10 (2) by amending subsection (c) to read as follows:
 12 *lows:*

13 “(c) The powers granted to Department police officers
 14 designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.”.

17 **SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.**

19 *Section 903 is amended—*

20 (1) by amending subsection (b) to read as follows:
 21 *lows:*

22 “(b)(1) The amount of the allowance that the Secretary
 23 may pay under this section is the lesser of—

24 “(A) the amount currently allowed as prescribed
 25 by the Office of Personnel Management; or

1 “(B) *estimated costs or actual costs as deter-*
2 *mined by periodic surveys conducted by the Depart-*
3 *ment.*

4 “(2) *During any fiscal year no officer shall receive*
5 *more for the purchase of a uniform described in subsection*
6 *(a) than the amount established under this subsection.”;*
7 *and*

8 (2) *by striking subsection (c) and inserting the*
9 *following new subsection (c):*

10 “(c) *The allowance established under subsection (b)*
11 *shall be paid at the beginning of a Department police offi-*
12 *cer’s employment for those appointed on or after October*
13 *1, 2008. In the case of any other Department police officer,*
14 *an allowance in the amount established under subsection*
15 *(b) shall be paid upon the request of the officer.”.*

Calendar No. 128

111TH CONGRESS
1ST Session

S. 252

[Report No. 111-60]

A BILL

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

JULY 24, 2009

Reported with an amendment